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TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

ON

H. R. 469

A BILL TO PROTECT PRODUCERS AND CONSUMERS AGAINST
MISBRANDING AND FALSE ADVERTISING OF THE FIBER
CONTENT OF TEXTILE FIBER PRODUCTS, AND FOR
OTHER PURPOSES

AND

H. R. 5605 and H. R. 6524

BILLS TO PROTECT CONSUMERS AND OTHERS AGAINST
FAILURE TO IDENTIFY, MISBRANDING, AND FALSE
ADVERTISING OF THE FIBER CONTENT OF TEXTILE
FIBER PRODUCTS, AND FOR OTHER PURPOSES

APRIL 4, 5, 11, 12, AND 29, 1957

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TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

THURSDAY, APRIL 4, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to call, in room 414, Old House Office Building, Hon. Peter F. Mack, Jr. (chairman of the subcommittee) presiding.

Mr. MACK. The committee will come to order.

The subcommittee is considering this morning H. R. 469, introduced by our colleague Mr. Smith, from Mississippi, H. R. 5605, which I introduced, and H. R. 6524, a bill identical to mine, which was introduced by Mr. O'Brien, of New York.

All three bills deal with the labeling and advertising of textile fiber products, and are for the purpose of protecting consumers and other against the misbranding and false advertising of such products.

We already have on the statute books the Wool Products Labeling Act of 1939, and the Fur Products Labeling Act of 1951, which are designed to protect consumers and others against misbranding (and also false advertising in the case of fur) of wool and fur products. Hence, the legislation being considered this morning would extend the same protection that consumers and others now have with respect to wool and fur products to other textile fiber products.

Both the Smith bill and the bills introduced by Mr. O'Brien and myself were considered by this committee last year. In fact, it was the consensus of opinion in the committee that the Smith bill should be reported favorably to the House. However, in view of the fact that it was late in the session, the committee postponed final action on it until this year, and directed the committee staff to explore the objections raised by certain segments of the textile industry in an effort to compromise existing differences so that a new bill could be introduced in the 85th Congress which would be satisfactory to all, insofar as possible.

Accordingly, during the recess of the Congress, the committee staff under the direction of Judge Arthur G. Klein, former chairman of this subcommittee, met with certain groups of the textile and furniture industry to discuss their objections to this legislation. Some of these sessions were attended by Congressman Smith. I am advised that while these meetings were very helpful in getting a better understanding of the problems faced by certain segments of the textile and furniture industries, the attempts to compromise differences on this legislation were not too successful.

During the course of these hearings, the subcommittee shall try to determine what legislation is in the best interest of the public.

The Chair would like to have copies of these bills introduced made a part of the record at this point, and also to authorize the clerk to receive statements from Federal agencies for inclusion in the record. (H. R. 469, H. R. 5605, and the reports are as follows:)

[H. R. 469, 85th Cong., 1st sess.]

A BILL To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile Fiber Products Identification Act."

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which as a length of at least one hundred times its width or diameter, which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings of a type customarily used in a household regardless of where used in fact, beddings, and household textile goods.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the

United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The sale, offering for sale, advertising, delivery transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(d) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business ;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this Act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract ;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country ;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotion material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material ; or

(5) to any textile fiber product until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer : *Provided*, That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this Act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDED AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following :

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per

centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That no deviation in the fiber content of any constituent fiber in the textile fiber product from the percentage stated on the tag, stamp, label, or other identification which resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification, shall be a misbranding under this section.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is in an imported textile fiber product, whether in its original state or contained in other textile fiber products, the name of the country of origin.

(c) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless such written advertisement contains the same information with respect to fiber content as that required to be shown on the stamp, tag, label, or other identification under section 4 (b).

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this Act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this Act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this Act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

(b) Any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this Act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce, may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag, label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this Act shall maintain proper records showing the fiber content as required by this Act of all such products made by him, and shall preserve such records for at least three years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least three years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) The Commission is authorized and directed to make rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this Act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 9. All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provi-

sions of section 4 of this Act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this Act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of, or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may therefore be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this Act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12. (a) None of the provisions of this Act shall be construed to apply to—

- (1) upholstery stuffing;
- (2) linings or interlinings incorporated primarily for structural purposes and not for warmth;
- (3) filling or padding incorporated primarily for structural purposes and not for warmth;
- (4) stiffenings, trimmings, facings, or interfacings;
- (5) backings of floor coverings;
- (6) sewing thread;

- (7) bandages and surgical dressings;
- (8) waste materials not intended for use in a textile fiber product;
- (9) textile fiber products incorporated in shoes or overshoes or similar outer footwear;
- (10) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys.

The exemption provided for any article by paragraph (2), (3), or (6) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 15. This Act shall take effect eighteen months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within nine months after the enactment of this Act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this Act.

[H. R. 5605, 85th Cong., 1st sess.]

A BILL To protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Textile Fiber Products Representation Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means the fundamental unit, regardless of origin, capable of being spun, woven, knitted, braided, felted, or webbed or otherwise fabricated into textile yarns or fabrics.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance, fibrous or nonfibrous, regardless of origin.

(e) The term "yarn" means a continuous strand of textile fiber or filament in a form suitable for spinning, weaving, knitting, braiding, felting or webbing or otherwise fabricating into a textile fabric.

(f) The term "fabric" means a planar structure produced by interlacing yarns, fibers or filaments.

(g) The term "textile fiber product" means any yarn or fabric, whether in the finished or unfinished state, used or intended for use in articles of wearing apparel, costumes and accessories, upholsteries, draperies, floor coverings, furniture, furnishings, beddings and other domestics, which yarn or fabric or any portion thereof contains or in any way is represented as containing any natural or manufactured fiber or combination thereof; and any such articles herein

above mentioned made in whole or in part of yarn or fabric which contains or in any way is represented as containing any natural or manufactured fiber or combination thereof.

(h) The term "Commission" means the Federal Trade Commission.

(i) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended, and the Federal Trade Commission Act approved March 21, 1938.

(j) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(k) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The manufacture for sale, sale, advertising or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in commerce, or for the purpose of sale or delivery after the sale, shipment or receipt in commerce, of any textile fiber product which under the provisions of section 4 of this Act is misbranded or is falsely or deceptively advertised, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) This section shall not apply—

(1) to any common carrier or contract carrier in respect to a textile fiber product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(2) to any converter, processor, or finisher in performing a contract or commission service for the account of a person subject to the provisions of this Act: *Provided*, That said converter, processor, or finisher does not cause any textile fiber product to become subject to this Act contrary to the terms of the contract or commission service; or

(3) to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale, a textile fiber product, for exportation from the United States to any foreign country, where such textile fiber product is branded in accordance with the specifications of the purchaser.

REPRESENTATIONS OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) A textile fiber product shall be misbranded—

(1) if it is falsely or deceptively stamped, tagged, labeled, or otherwise identified; or

(2) if a stamp, tag, label, or other means of identification or substitute therefor under section 5, is not on or affixed to the product and does not show—

(A) the constituent fiber or combination of fibers in the textile fiber product, designating each natural or manufactured fiber by its generic name in the order of predominance by weight: *Provided, however*, That this section shall not be construed as prohibiting the use of a non-deceptive trademark in conjunction with a designated generic name;

(B) the percentage of any fiber or fibers present in an amount of 20 per centum or less by weight of the total fiber content, exclusive of ornamentation in an amount not exceeding 5 per centum by weight of the total fiber content: *Provided, however*, That, exclusive of permissible ornamentation, any fiber or group of fibers which is present in an amount of 5 per centum or less by weight shall not be designated by the generic name of such fiber or fibers, but shall be designated as "other fiber(s)" and the percentage by weight of the total fiber content shall be set forth: *Provided further*, That deviation of the fiber content of the textile product from percentages stated on the stamp, tag, label, or other means of identification shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label or other means of identification;

(C) the name, or other identification issued and registered by the Commission, of the manufacturer of the product or of one or more persons subject to section 3 with respect to such product.

(b) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any advertisement, representation, public announcement or notice which is used to aid, promote or assist directly or indirectly in the sale or offering for sale of such textile fiber product and such advertisement, representation, public announcement or notice—

(1) does not show the constituent fiber or combination of fibers in the textile fiber product in order of predominance by weight; or

(2) does not show the percentage of any fiber or fibers present in an amount of 20 per centum or less by weight of the total fiber content, exclusive of ornamentation in an amount not exceeding 5 per centum by weight of the total fiber content: *Provided, however,* That, exclusive of permissible ornamentation, any fibers, which, when grouped together total less than 5 per centum by weight of the total fiber content, shall be designated as "other fibers" and the percentage by weight of the total fiber content shall be set forth; or

(3) does contain the generic name of a natural or manufactured fiber which is present in the textile fiber product in an amount of 5 per centum or less by weight; or

(4) does contain any form of misrepresentation or deception, directly or by implication, with respect to the identification of fiber content of a textile fiber product: *Provided, however,* That deviation of the fiber content of the textile fiber product from percentages stated in the advertisement, representation, public announcement or notice, shall not be falsely or deceptively advertised under this section if a person charged with false or deceptive advertising proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statement contained in such advertisement, representation, public announcement or notice.

(c) In addition to information required in this section, the stamp, tag, label, or other means of identification, or replacement therefor under section 5 may contain other information not violating the provisions of this Act or the rules and regulations of the Commission.

(d) If any person subject to section 3 with respect to a textile fiber product finds or has reasonable cause to believe its stamp, tag, label or other means of identification, or replacement therefor under section 5 does not contain the information required by this Act, he may replace same with a stamp, tag, label or other means of identification containing the information so required.

(e) This section shall not be construed as requiring designation of the fiber content of any portion of fabric when sold at retail, which has been severed from bolts, pieces or rolls of fabrics labeled in accordance with the provisions of this section: *Provided,* That if any portion of fabric severed from a bolt, piece or roll of fabric is in any manner represented as containing any natural or manufactured fiber, other than that which is set forth on the labeled bolt, piece or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

(f) This section shall not be construed as requiring designation of the fiber content of any part or portion of a packaged unit of two or more of the same or similar textile fiber products when such unit is labeled in accordance with the provisions of this section: *Provided,* That if any part or portion of a textile fiber product removed from a packaged unit is in any manner represented as containing any natural or manufactured fiber, other than that which is set forth on the packaged unit, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

(g) This section shall not be construed as requiring designation of the fiber content of any linings, interlinings, paddings, stiffenings, trimmings, interfacings or backings of floor coverings except those concerning which express representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided,* That if any such linings, interlinings, paddings, stiffenings, trimmings, interfacings or backings of floor coverings in any manner are represented as containing any natural or manufactured fiber, this section shall be applicable

thereto and the information required shall be separately set forth and segregated as required by this section.

The Commission, after investigation, may determine and publicly announce those products which have an insignificant or inconsequential textile content.

AFFIXING OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. Any person subject to section 3 of this Act shall affix to a textile fiber product the stamp, tag, label, or other means of identification required by this Act, and the same, or replacement therefor containing the information required under section 4, shall be and remain affixed to such product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold and delivered to the consumer. Any person who shall cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to a textile fiber product with intent to violate the provisions of this Act, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 6. Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act. The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act, and for segregation of such information for different portions of a textile fiber product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

The Commission is also authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this Act; and to cooperate therein with any department or agency of the Government, with any State, Territory or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof; or with any person.

INJUNCTION PROCEEDINGS

SEC. 7. Whenever the Commission has reason to believe—

(a) that any person is violating, or is about to violate, sections 3, 5, 8, or 9 (b) of this Act; and

(b) that it would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 8. All textile fiber products imported into the United States, shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this Act, and all invoices of such products required under the Act of June 17, 1930 (ch. 497, title IV, 46 Stat. 719), shall set forth, in addition to the

matter therein specified, the information with respect to said products required under the provisions of this Act, which information shall be in the invoices prior to their certification under said Act of June 17, 1930. The falsification of, or failure to set forth the required information in, the aforementioned invoices, or the falsification or perjury of the consignee's declaration provided for in said Act of June 17, 1930, insofar as it relates to such information shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act.

A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 9. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded under the provisions of this Act.

Said guaranty shall be either (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Any person who furnishes a false guaranty, except a person relying on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, with reason to believe the product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates section 3, 5, 8, or 9 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit any other provision of this Act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXCEPTIONS

SEC. 11. None of the provisions of this Act shall be construed to apply to the manufacture for sale, sale, advertisement or the offering for sale, the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported, or for the purpose of sale or delivery after sale, shipment or receipt, all of said transactions being in commerce, of headwear, footwear, handbags, luggage, brushes, lamp shades, toys: *Provided*, That the Commission may, for good and sufficient reason, upon due notice and hearing, exclude other textile fiber products from the provisions of this Act: *Provided further*, That any representation which is not a complete and factual disclosure of the textile fiber content of any article excepted in this section from the provisions of this Act, shall be unlawful and shall be an un-

fair method of competition and an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act.

SEPARABILITY CLAUSES

SEC. 12. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

REPEAL OF EXISTING LAWS

SEC. 13. The provisions of any Act of the United States, and trade practice rules of the Federal Trade Commission insofar as they relate to the identification or advertising of fiber content in textile fiber products, be and hereby are repealed: *Provided, however*, That provisions of this Act shall not be held to be in substitution or limitation of an Act entitled, "An Act to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs," (ch. 298, 65 Stat. 175).

EFFECTIVE DATE

SEC. 14. This Act shall take effect nine months after promulgation by the Commission of rules and regulations under this Act, and such rules and regulations shall be promulgated within nine months of the passage of this Act: *Provided, however*, That any textile fiber products manufactured or acquired prior to the effective date of this Act shall not be subject to the provisions of the Act.

(NOTE.—H. R. 6524 is not printed because identical with H. R. 5605.)

FEDERAL TRADE COMMISSION,
Washington, April 4, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter of January 16, 1957, inviting comment upon H. R. 469, 85th Congress, 1st session, a bill "To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes."

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any "textile fiber product" the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals but there are a few points wherein we think it is deficient and where resulting weaknesses could seriously affect both the protection afforded to the public and effective enforcement of its provisions.

One of the most important and serious weaknesses of the bill appears in section 4 (b) (2) which deals with unavoidable variations in manufacture. As this provision is now drafted, it would require the Commission affirmatively to plead and prove, as a part of a proceeding for misbranding, that any deviation from the fiber content stated on the label was not due to unavoidable variations in manufacture despite due care to make the statements accurate. The facts which would determine such a question are peculiarly within the knowledge and control of the producer. To place the burden of proving the negative, that is that the misbranding was not due to unavoidable variations in manufacture upon the Commission, is to place upon it a burden that it may not be able to carry, with the result that enforcement of the act would correspondingly be defeated. We believe that this defense should be in terms of providing that deviation of the fiber content of the article from the percentages stated on the label shall not be misbranding if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification. Unavoidable variations in manufacture would then be what it properly should be, a matter of defense, and to be shown by the person best able to show what the facts are.

Subsection 4 (c) deals with advertising of textile-fiber products but its application is limited to "written" advertisements used to aid, promote, or assist

directly or indirectly in the offering for sale or sale of such textile-fiber product. This would exempt from the provisions concerning false and deceptive advertising of fiber content, all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole in the provisions concerning advertising which should be closed.

As it is presently drafted this same subsection would require that advertisements, where any disclosure or implication of fiber content is made, contain the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b). This would include not only disclosure of the constituent fiber or combination of fibers each by its generic name in order of predominance by weight, but also require the disclosure of the percentage by weight of each fiber in the textile-fiber product, identification of the manufacturer or other person subject to the act with respect to the product, and if imported the country of origin. It is believed that for purposes of an advertisement there will be adequate protection afforded if the disclosure required be limited to the provisions of subsection 4 (b) (1), thus excluding the requirements of subsections 4 (b) (2), 4 (b) (3), and 4 (b) (4) from the required information to be given with the advertisement.

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile-fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should nevertheless conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile-fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used, and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile-fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

N. B.: Pursuant to regulations, this report was cleared orally with the Bureau of the Budget on April 4, 1957, and the Commission was advised that there would be no objection to the submission of the report to the Committee.

ROBERT M. PARRISH,
Secretary.

THE SECRETARY OF COMMERCE,
Washington 25, D. C., April 4, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated January 16, 1957, for the views of this Department with respect to H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

H. R. 469 would provide for labeling as to the fiber content of textile fiber products made from natural or synthetic fibers whether of domestic or foreign origin.

This Department is unable to recommend enactment of this legislation in its present form.

We feel that any new legislation enacted for these general purposes should contain in one piece of legislation all of the requirements imposed by the Federal Government for labeling and identification of all fibers. H. R. 469 does not repeal the Wool Products Labeling Act, and hence does not meet this requirement for our support.

Furthermore, this proposed legislation would appear to impose on producers of many household products burdens and costs not readily justifiable by the protection either needed or probably resulting. In this matter of fiber identification it would appear to be more sound to clearly establish this need prior to enactment of corrective legislation than to later permit relief to those who can establish that the legislation serves no useful purpose as applied to their products. We believe that careful consideration should be given to the real need in the public interest for this legislation as applied to each of the textile products as defined in section 2 (g), and particularly to "outer coverings of furniture, furnishings, * * * beddings * * *," prior to enactment.

For these reasons, this Department is unable to recommend enactment of this legislation in its present form.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., April 5, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR CONGRESSMAN HARRIS: This is in reply to your request of January 16, 1957, for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The Department is in accord with the purpose of H. R. 469 and has no objection to the enactment of such legislation. The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion it should be of help to cotton in its competition with man-made fibers.

H. R. 469 prohibits the introduction in commerce and other specified transactions in certain textile fiber products which are misbranded, or falsely or deceptively advertised, and requires such products to bear a statement of their fiber content. Under the bill, a product is deemed falsely or deceptively advertised if any written advertisement refers to the fiber content, unless it contains the fiber content information required by the bill.

The bill would require the identification of the fiber content of fabrics used or intended for use in articles of wearing apparel, costumes and accessories, draperies, floor coverings, furniture coverings, furnishings, beddings, and other household textile goods. It also would require that advertising set forth the fiber content of such articles. Exceptions include headwear, footwear, handbags, luggage, brushes, lampshades, toys, bandages and surgical dressings or any other articles which the Federal Trade Commission may exempt. Under the bill, a textile fiber product would be misbranded if the stamp, tag, label, or other means of identification does not show (1) the fibers in the product, by generic name in the order of predominance, and (2) the percentage of each

fiber present in the product, exclusive of ornamentation not exceeding 5 percent by weight of the total fiber content. Provision is made for injunctions to enforce the legislation and for criminal actions for willful violations. The bill contains provisions under which a guaranty of the product involved would avoid liability under the bill.

This bill is similar to H. R. 9987, H. R. 10083, and H. R. 10117, introduced in the 84th Congress and reported on by the Department May 15, 1956. H. R. 469 contains some revisions and amplifications which maintain the basic purpose of the previous bills but improve the clarity of the wording.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

DEPARTMENT OF STATE,
Washington, April 4, 1957.

Hon. OREN HARRIS,

Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. HARRIS: Reference is made to an announcement that public hearings will be held April 4 before the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce on H. R. 469, "To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products and for other purposes". In the light of this announcement, the Department wishes to make the following comments on H. R. 469.

With the exception of paragraph (4) of subsection (b), section 4, the Department has no objection to the enactment of H. R. 469 from the standpoint of its possible effect on United States foreign relations. This paragraph provides that an imported textile fiber product, "whether in its original state or contained in other textile fiber products," shall be held to be misbranded unless the name of the country of origin is shown on a stamp, tag, or label on or affixed to the product.

This paragraph does not appear to be consistent with the stated purpose of the bill, "to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products" since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question, insofar as it applies, to textile fiber products in the state in which they are imported, is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consist in part of imported textile fiber products.

The United States has contractual relations with many countries providing that imported products shall be accorded treatment no less favorable than that accorded to like products of national origin in respect of all laws, regulations, and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. Such treatment has been interpreted to mean that when goods have duly passed into domestic trade, they can be subject only to the same taxes, laws, and regulations as are applicable to similar domestic goods. In other words, the purpose of these commitments is to prevent the application of any hidden discrimination or restriction against imported goods once they have been properly imported and cleared through customs, such goods thereafter being treated in all respects in the same manner as domestic goods. H. R. 469 does not require an indication that textile fiber products are made in the United States when this is the case. In other words, foreign textile fiber products would not be treated in the same manner as the domestic article.

In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469, there appears to be a more general problem posed by the effect of such regulations upon that broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American manufactured products, constituent parts of which are imported—and once applied to textile fiber products a precedent will have been estab-

lished—marking requirements would become so onerous as to impede seriously the use of imported materials in any product manufactured within the United States.

The Department is seriously concerned about the implications of the cited paragraph of H. R. 469, and recommends that it be deleted from the bill.

Sincerely yours,

ROBERT C. HILL
(For the Secretary of State).

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., April 3, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Room 1334, House Office Building,
Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letters of January 16, 1957, and March 7, 1957, requesting the views of this Office with respect to H. R. 469 and H. R. 5605, bills to protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

The Bureau of the Budget has no objection to the enactment of legislation for this purpose.

Sincerely yours,

PERCY RAPPAPORT,
Assistant Director.

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., April 22, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR CONGRESSMAN HARRIS: This is in reply to your request of March 7, 1957, for a report on H. R. 5605, a bill to protect consumers and others against failure to identify misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

The Department has no objection to the enactment of H. R. 5605, provided the bill is amended as indicated below.

The bill as introduced would require the identification of the fiber content of fabrics used or intended for use in articles of wearing apparel, costumes and accessories, upholsteries, draperies, floor coverings, furniture, furnishings and beddings, and other domestics. It also would require that advertising of such articles which discloses or implies fiber content shall set forth the correct content. Exceptions are headwear, footwear, handbags, luggage, brushes, lampshades, and toys or any other articles which the Federal Trade Commission may exempt. Under the bill a textile fiber product would be misbranded if the stamp, tag, label or other means of identification does not show (1) the fiber in the products by generic name in the order of predominance, provided that a nondeceptive trademark may also be shown, and (2) the percentage of any fiber or fibers present in an amount of 20 per centum or less by weight of the total fiber content, exclusive of permissible ornamentation of 5 percent, except that, exclusive of the ornamentation tolerance, fibers or groups of less than 5 percent need not be designated by generic name and the manufacturer may show that misbranding deviation was unavoidable. The Federal Trade Commission would have authority to enforce powers of injunction and to certify actions to the Justice Department when it would have reason to believe that a misdemeanor had been committed. The bill also provides certain specific guaranties which relieve an individual of liability.

The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion it should be of help to cotton in its competition with manmade fibers.

In regard to the amendment mentioned above it is suggested that section 4 (a) (2) (B) be deleted and the following inserted in lieu thereof:

“(B) the percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per

centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name of such fiber or fibers, but shall be designated as 'other fiber(s)': *Provided further*, That deviation in the fiber content of any fiber in the textile fiber product from the amount stated on the stamp, tag, or label, or identification by not more than 5 per centum by weight of the total fiber content, shall not be a misbranding under this section: *And provided further*, That deviation in the fiber content of any fiber in the textile fiber product in excess of that permitted under this section from the percentages stated on the stamp, tag, label, or other identification shall not be a misbranding under this section if the person charged with misbranding proves that such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification."

In addition, it is suggested that the following paragraph be substituted for section 4 (b) (2):

"does not show the percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation in an amount not exceeding 5 per centum by weight of the total fiber content: *Provided however*, That, exclusive of permissible ornamentation, any fibers, which, when grouped together total less than 5 per centum by weight of the total fiber content, shall be designated as 'other fibers' and the percentage by weight of the total fiber content shall be set forth; or"

These amendments, if adopted, would provide a uniform disclosure of the fiber content in all blends and mixtures. They also would be more effective in protecting both the textile manufacturer and the consumer from cost-inspired product adulteration.

In addition, the following paragraph and heading should be substituted for section 13 of the proposed bill, in order to prevent the repeal of the Wool Products Labeling Act of 1939:

"APPLICATION OF EXISTING LAWS

"SEC. 13. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States."

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary*.

THE SECRETARY OF COMMERCE,
Washington, D. C., April 4, 1957.

HON. OREN HARRIS,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated March 7, 1957, for the views of this Department with respect to H. R. 5605, a bill to protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

In its reports in recent years regarding various bills which would provide for labeling as to the fiber content of textile fiber products made from natural or synthetic fibers, this Department has indicated its support of the general purposes as stated, but has expressed its reservations regarding the provisions of the bills.

One such reservation has been the desirability to include in one piece of legislation all of the requirements imposed by the Federal Government for labeling and identification of all fibers. Other reservations expressed by this Department have referred to the need to determine carefully the nature of the real need for the protection of consumers and others, and to design the proposed legislation so as to give reasonable promise of affording that protection in accordance with that need. We have felt that in the cases of many types of textile fiber products for household use, manufacturers and others are now required to comply with a variety of both State and local requirements, and that the additional Federal requirements should only be imposed as they are demonstrably needed.

In regard to H. R. 5605, we note that while the bill proposes repeal of the Wool Products Labeling Act of 1939, it may be desirable to include in the provisions of the new legislation the requirements for the identification of the various classes of wool (virgin wool, reprocessed wool, and reused wool). Noted also, is the inclusion in the bill of labeling requirements regarding textile fiber products, the need for which requirements in the interests of protection of the consumers and others is quite controversial. Among such products are, for example, outer coverings of furniture, furnishings, beddings, and others. Again, the bill, if enacted, would then provide for the exclusion from its provisions, by the Federal Trade Commission, of "other textile products * * * with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer."

For these reasons, this Department feels it cannot support enactment of H. R. 5605.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

FEDERAL TRADE COMMISSION,
Washington, April 4, 1957.

HON. OREN HARRIS,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter of March 7, 1957, requesting an expression of the views of this agency upon H. R. 5605, 85th Congress, 1st session, a bill to protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

The bill is designed to cover the entire field of textile fiber content labeling and advertising and to repeal all existing provisions of law relating to the identification or advertisement of fiber content in textile fiber products. Because it would repeal all existing law relating to the disclosure of, or representations made concerning, the fiber content of textile fiber products and because of a number of deficiencies in its provisions which are hereinafter mentioned, the Commission is of the view that the bill does not represent a solution of the problem to which it is addressed which would afford the protection apparently intended to producers and consumers.

We believe that the repeal of the Wool Products Labeling Act of 1939 would be a serious mistake. The act has in years since its enactment become well established and received both by the public and by the trade. The many differences between terms of the Wool Act and those of the present bill would result in wiping out the value of the very substantial expenditures over a period of more than 15 years in educating those subject to its provisions and in proceedings enforcing that act. One of the significant bases for the enactment of the Wool Products Labeling Act was the protection afforded producers and consumers through its requirement for disclosure of the presence of any reprocessed wool or reused wool in products subject to that act. The present bill contains no provision for disclosure of reprocessed or reused fibers and as a consequence the repeal of the Wool Act would end any requirement for such disclosure in the case of wool products.

The repeal proposed would include all trade practice rules of the Federal Trade Commission relating to labeling and advertising of the content of textile products and would forbid any application of the Federal Trade Commission Act in that area. We doubt the advisability of this direct prohibition against any application of the Federal Trade Commission Act. Insofar as trade practice conference rules of the Commission are concerned, obviously they must conform to the law as enacted by Congress and we therefore consider any automatic repeal unnecessary and a possible hindrance to appropriate revision and modification that would necessarily follow enactment of new statutory provisions by the Congress.

The bill does not contain any provision requiring that for a reasonable period of time manufacturers and processors maintain proper records concerning the content of textile fiber products which they produce. Our experience in this field has demonstrated the necessity for requiring the maintenance of such records if there is to be effective enforcement of the act. Without such a provision, enforcement would indeed labor under a heavy handicap.

In subsection 4 (c) the bill specifically permits placing upon the stamp, tag, label, or other means of identification giving the information required by the act other information in addition to that required. This creates two problems. One is that when information other than that required by the act is permitted on the label containing the required disclosure, there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second problem is that since the bill is limited to textile fiber content, false or misleading statements dealing with subjects other than fiber content placed on the label containing the required disclosures should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject.

The bill permits the labeling of a package containing two or more of the "same or similar textile fiber products" in lieu of labeling the products themselves, with a provision that if any of the products so packaged is removed and is represented as containing any fiber other than that stated on the package then the particular product itself shall be labeled. In our view this provision invites avoidance of the act in the case of many products. Conceivably where textile fiber products of identical content are packaged in a form intended to be and sold to the consumer in the original package, then package labeling would not be objectionable.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for the use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are necessarily essential, their absence is a matter at least worthy of consideration. In the case of some fabrics substantial amounts of nonfibrous loading or filling material are used and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

The present bill proposes to replace established requirements by a new system that, insofar as it represents replacement of existing law, would be in many respects less effective in its application and with omissions that tend to limit and weaken enforcement. Because of its repealing effect as well as the fact that it incorporates provisions of doubtful and inadequate character the Commission cannot, despite its general sympathy toward provision being made for textile fiber identification, recommend the enactment of the bill in its present form.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

N. B.: Pursuant to regulations, this report was cleared orally with the Bureau of the Budget on April 4, 1957, and the Commission was advised that there would be no objection to the submission of the report to the committee.

ROBERT M. PARRISH,
Secretary.

Mr. MACK. At this time, I would like to have our first witness proceed, and it is certainly a great pleasure to have someone as familiar with this subject as our colleague, the gentleman from Mississippi, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman, but did not Mr. Roberts want to make a statement first?

Mr. MACK. Mr. Roberts.

STATEMENT OF HON. KENNETH A. ROBERTS, A REPRESENTATIVE IN CONGRESS FROM THE FOURTH DISTRICT, ALABAMA

Mr. ROBERTS. Mr. Chairman, I have another subcommittee meeting and my statement will be very short. With your indulgence, and

that of Mr. Smith, I would appreciate it if you would let me make a short statement on this bill, so that I can get back to the other subcommittee.

Mr. MACK. We are honored to have the chairman of another subcommittee here with us this morning, and certainly will be glad to have you testify, Mr. Roberts.

Mr. ROBERTS. Mr. Chairman and members of the committee, I am not going to try to explain the bill, because I know that the distinguished gentleman from Mississippi will do that to the entire satisfaction of the subcommittee.

I do want to endorse the provisions of the Smith bill and to say that I cannot overemphasize the need for that legislation.

As the chairman pointed out in his statement, this is not a new field for the Congress, because we have previously done what amounts to the same thing with the Wool Labeling Act, I believe in 1939, and I believe there was the O'Hara bill for fur labeling.

This problem of misbranding has existed, of course, for a long time in the textile industry, and many times cotton is blended with other fibers, sometimes not necessarily inferior to the cotton, but many times it is blended with fibers which are inferior, and the consumer many times, in buying what a consumer thinks is a cotton product, is getting a blended product, and many times they are deceived, and they do not get the wearing qualities or the lasting qualities that they would have had it been cotton.

I certainly think that we owe a duty to the consumer to let him know what he is buying, and not to allow him to be misled or deceived.

There is another angle to this thing, too, I think, that should have some consideration, and that is the fact that the textile industry is in a bad condition, due to many factors, one of the factors being probably competition that comes from Japan mainly, and the products that are produced by cheap labor. Most of you are familiar with the fact that in many parts of the country our mills are closing.

In my own section, some of the mills are on short time, and all in all, I think that the textile industry is still a sick one.

We are hoping, of course, that the new agreement which has been worked out with the Japanese is going to give us some relief, but whether that will be circumvented by shipments through more or less neutral sources, I do not know.

There is another person who is affected by this, and that is the cotton farmer. All of us know that with the tremendous cuts in acreage allotments that many of the cotton farmers throughout the country are in a very bad way. I do not say that this bill will put the textile industry on its feet, nor will it put the farmer on his feet, but I do think that it will undoubtedly help the general situation.

I want to commend the gentleman from Mississippi for his untiring efforts in this legislation. At his suggestion last year, in working with him, I introduced a companion bill, but I did not introduce one this year, because I felt that the situation was pretty well in hand.

That is all I have, Mr. Chairman.

I do want to thank you for allowing me to make this statement, and I want to thank the gentleman from Mississippi for letting me run ahead of him.

Mr. MACK. Thank you, Mr. Roberts. We enjoyed your statement.

Mr. Smith, you may proceed.

STATEMENT OF HON. FRANK E. SMITH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. SMITH. Thank you, Mr. Chairman.

I have a prepared statement which is very clear, double spaced, and I think I can best explain the bill by reading from the statement. If there are any questions that come up during my reading of the statement, I would appreciate it if you would interrupt then and ask your question.

I might point out at the start that the main difference between my bill and the one which you and Mr. O'Brien have introduced is that, although they both attempt to get at the same basic purpose of labeling protection for all textile fibers the same as we have for wool today, mine does not make any changes in the existing Wool Labeling Act.

I felt, and it appeared to be the sentiment of the committee last year, that any revision of the Wool Act would be inadvisable, at least until it had been threshed out and firmly agreed upon in all the segments of the industry, producers and the manufacturers, and that is why I attempted to make no revision of the Wool Act in this bill which I have introduced.

H. R. 469, as you know, is a revision of the Textile Fiber Products Identification Act which I introduced in the 84th Congress, and in the months since I appeared before this Committee in support of that earlier bill, I have had the privilege of meeting with many representatives of the textile industry and related groups, as well as with the Federal Trade Commission.

With the generous cooperation of the committee, we have had the opportunity to discuss the legislation with these groups, and to work out new or revised provisions to insure maximum protection to the consumer with a minimum of burden on manufacturers, retailers, and the regulatory agency, the Federal Trade Commission.

I do not believe it is possible for us to overemphasize the importance of mandatory textile labeling in the ever-expanding textile industry. The number of fibers available for the manufacture of textiles has tripled in the past 15 years. Many new fibers are in pilot or test stages of development and even more are in earlier stages of chemical experimentation. Only a few of the textiles now available to consumers can be readily identified, and as the list of synthetic and blended textiles grows longer, identification becomes less and less possible.

No one would suggest that these important textile developments are undesirable, but protection for fiber producers, textile manufacturers, and consumers is essential if quality and markets are to be maintained and confusion, waste, and even fraud, are to be avoided.

We are all familiar with some of the more serious instances of deception and fraud in the sale of textiles. Perhaps one of the most dramatic of these in recent years was the rayon "torch" sweater, sold as cashmere, which actually threatened the lives and safety of purchasers, and with which most of you members of the committee at that time were familiar, in relation to legislation you had before you several years ago in an attempt to eliminate the danger of this type of product being offered fraudulently on the market.

The dramatic examples, however, are scattered, and when they occur they are usually corrected promptly as a result of the widespread and vehement indignation they create. This is not true of the day-in, day-out lack of adequate information with which the consumer must contend, a lack which costs her in countless ways and in the long run costs the manufacturer and the producer as well.

Only by requiring that all fibers be identified can the farmer who produces the natural fiber and the chemical industrialist who produces the synthetic fiber compete on fair terms. Only in this way can the textile manufacturer who sustains quality be protected against the quick-market raids of the manufacturer who depends primarily on the cheaper, less durable fibers. And only in this way can the consumer be assured of obtaining the product she wants, and believes she is getting.

The purpose of this legislation, then, is fourfold. It seeks to eliminate the threat to the American farmer, whose fiber product must compete with lower-priced, often lower-quality synthetics which frequently duplicate the natural product in appearance. It seeks to protect the producers of the quality synthetics against the reputation-damaging producers of textiles advertised as containing those quality fibers when in fact they do not contain them. It seeks to protect the reliable textile manufacturer against the cost-cutting, quality-cutting practices of the less reliable manufacturer. And last in the chain but perhaps foremost in effect, it seeks to protect the consumer by insuring that when she buys a textile product, she will know just what fibers are contained in that product and, thus, what can be expected of it and how it should be handled.

I would like to give you a few examples of how this bill will afford this kind of protection.

Today, rayon is the cheapest textile fiber. In many uses it serves quite satisfactorily. But in many others it lacks the basic characteristics essential for satisfactory performance—durability, launderability, strength. In many such uses, cotton is the traditional fiber. Cotton is almost synonymous with long wear, shrink resistance, and easy laundering.

Recently there has been a concerted drive by some rayon producers to persuade textile mills to blend rayon with cotton in traditionally cotton articles. Unfortunately, a percentage of rayon in a cotton fabric doesn't generally change the appearance or even the feel of the fabric. If that fabric can be sold as an all-cotton fabric—and it usually can because it looks like cotton—the manufacturer can substantially increase his profit because his product is made of a substantially cheaper fiber. The consumer doesn't know that her "cotton" product is part rayon, and she doesn't find it out until the product shrinks out of shape, or wears out too soon, or proves unsatisfactory in some other fashion. And even then, in most cases, she doesn't blame the rayon blend because she doesn't know it is there. She simply concludes that cotton is not as good as it used to be.

The damage in this chain is obvious—the cotton farmer suffers because cotton's reputation is put at question; the reliable manufacturer, who uses all cotton in the products he sells as all cotton, suffers because his products become suspect along with the others; the retailer suffers because he has sold an unreliable item, and the consumer suffers because she was led into paying her money for something she didn't get.

The cotton farmer already faces a desperate fight for his markets. I do not believe he should be subjected, in addition, to this type of competition. And I do not believe that the textile manufacturer, or the retailer, or the consumer, should be subjected to it. Eventually, as the textile competitors in self-preservation take the same avenue of cost cutting, the steadily decreasing quality of textile fabrics could very easily destroy public confidence in all textile products.

All blends are not, of course, inferior products. Fiber blending is increasing rapidly in the textile industry and will continue to increase, as it should. New and different properties can be given to fabrics by blending two or more fibers together, properties which are both useful and desirable.

But the qualities that result from blending depend not only on the types of fibers mixed together, but on the amount of each fiber included. This is another reason why the fiber content of textile fabrics should be disclosed.

A good example of this is the blending of nylon with other fibers. Nylon has been called a "miracle" fiber, the first of an ever-growing collection of synthetic fibers of many important uses. It has proved to be one of the most wear-resistant of the textile fibers, and when blended with other fibers, it can significantly increase the life of the fabric. Nylon, however, is relatively expensive. In staple form it costs about \$1.35 a pound, against something like 29 cents for rayon. This has led to some rather astonishing practices in textile blending and advertising.

The du Pont Co., developer and major producer of nylon, states that generally the nylon content of a fabric must be at least 30 percent if the benefits of nylon are to be realized in that fabric. In spite of that known fact, however, many textile articles have been put on the market and promoted as nylon products when the actual nylon content was sometimes as low as 1 percent. That amount of nylon does nothing but deceive the public.

As in the case of the rayon-cotton blend, this practice hurts everyone along the line—the nylon producer, the honest textile manufacturer, the retailer, and the consumer.

Much the same thing is true of many of the other blending fibers like dacron and orlon. These fibers are blended, for the most part, to achieve certain properties—hand, wrinkle resistance, and texture. The producers of these fibers say that a fabric must contain at least 50 percent of these fibers to attain the desired results. Yet the price differential between these quality synthetics and the cheaper fibers is an open invitation to cut the expensive fiber in favor of the cheaper part of the blend.

So long as the fiber content of textile fabrics is not required to be made known to the consumer, the industry cannot protect itself or its customers from cost-inspired, quality-cutting practices. And the consumer is left at the mercy of the manufacturer who elects to produce, to his own profit, a cheaper product that he can advertise on the basis of a promotionally valuable fiber—cotton, nylon, dacron, linen, silk, orlon—even though the product may not contain enough of these fibers to show any real benefit.

Many trade groups representing cotton farmers, fiber producers, fiber processors, and textile manufacturers favor this legislation, because they recognize that in it lies their only protection from snow-

balling cost-cutting practices and from the destruction of the good name of their products.

Still another group, the service industries, which includes the laundries and dry cleaners, strongly favor fiber identification, because only by disclosure of fiber content can they be sure how best to launder, to clean, and to press textiles of various types.

Some of you may be familiar with the efforts of the cotton industry to expand the consumption of cotton through research, promotion and advertising. The industry is to be complimented for the successful work it has been doing along these lines. The cotton farmer, by his voluntary contributions to these promotion campaigns, has played an important role in building the reputation of many brands of apparel and household items and industrial cotton goods. Yet about four-fifths of the cotton articles now on the market are not identified as such, and cotton is losing each year the benefit of some \$8 million to \$10 million worth of national advertising. It seems to me that the cotton farmer is entitled to share in the value of cotton's reputation, which he, himself, helped to create. We can help the cotton industry help itself if we enact adequate labeling legislation. This protection has been provided for the wool grower, and it should certainly be extended to the hard-pressed cotton farmer.

In our discussions over the past 2 years with representatives of industry and Government in drafting this legislation, we have sought to work out reasonable solutions to some of the problems presented. I would like to discuss, briefly, some of the questions that have been raised, and why I believe they are not valid in the consideration of mandatory labeling.

It has been argued, for example, that content labeling will not convey really worthwhile information to the consumer, and that so-called performance labeling is the most desirable solution. I am sure every homemaker in America would be grateful for performance labeling that would tell her exactly how the textile she buys would react to water or an iron at 100 degrees, or 200 degrees, or 500 degrees, and how long it could be expected to last if properly handled, and whether the color would survive soap, or detergent, or sun, or the years. Unfortunately, the industry itself concedes that there is no agreement on a standard of performance characteristic or the method of measuring those characteristics, or any method, for that matter, of publishing them, if you had any standard to give. Any generally acceptable standard for performance labeling is therefore a dream of the distant future.

Lacking performance data, fiber content labeling will give the consumer specific information on what she is buying, and this, when related to the wealth of published information on the characteristics of the various fibers, will afford her tremendous protection that she does not now have.

It has also been suggested that mandatory labeling would greatly increase the cost of textile fabrics because of the cost of labeling. I think that any study of this idea will convince the members that there is no substance to such a charge.

Almost every fabric or textile item is now labeled in some manner. Adding fiber content information to an already existing label will not significantly increase cost. The same cry was raised in con-

nection with the Wool Products Labeling Act, and it has long since proved to be without foundation.

I think it should also be mentioned here that mandatory fiber content labeling will not force the disclosure or trade secrets. To determine the fiber content of any manufacturer's fabric today, all his competitors need do is subject the fabric to laboratory analysis. They can in this way determine not only what fibers compose the fabric, but the quantity of each in the blend. The only person who cannot tell, and who can thus be deceived either by a lack of fiber content disclosure or by misleading promotional material, is the consumer.

We recognize that it is desirable to achieve the objectives of the act without imposing unnecessary burdens on the industry. H. R. 469 was written with this clearly in mind, and after extended conferences with many representative groups. I believe it affords maximum protection with a minimum of requirements.

Now, the rest of my statement outlines what is included in each section of the bill, and I think that it would not be necessary to detail that, unless the committee members would like to have that, Mr. Chairman.

Mr. MACK. Mr. Smith, I don't think that will be necessary, if it just covers the various provisions of the bill, unless some of the committee members would like to have him do that. I think that is fine.

Does that conclude your statement?

Mr. SMITH. That is my formal statement.

If there are any questions anybody has about it, I will be glad to try to answer them.

Mr. MACK. I want to thank you for your very detailed statement on this subject, and it certainly indicates that you have given a lot of thought and study to the matter.

As I recall, you introduce a similar bill during the last Congress, and at the suggestion of some of the committee members, and others, you reintroduced the bill to remove certain objections. Is that correct? Did you want to elaborate on that?

Mr. SMITH. That is right. I introduced a bill, I have forgotten the number, but it was late in the last session, and for the only purpose of having printed copies available to be distributed and furnished to the Federal Trade Commission, the committee, of course, and to various members of the industries concerned.

We used that as a basis for some very extended discussions with apparel and textile manufacturers in New York City.

Judge Klein was with us at the start of these meetings and Mr. Spal, of the committee participated in all of them, and I think we had about 6 or 7 conferences last fall in New York with representatives of the industries there.

Then there were several meetings here in Washington later on with representatives of other textile industries and trade associations involved, members of the committee, and the Federal Trade Commission, all with the idea of trying to accomplish this purpose, and with the least possible burden on the industry involved, and wherever possible, to eliminate any unnecessary requirement in the bill.

I think that, although as you point out in your statement, we finally did not get general industry agreement about everything in it, what

we have here is about as close a thing as we could come to what you might call an agreement among the groups.

I'm not too much concerned about some of the details of the bill. I am sure the committee might find there are certain aspects of how the enforcement should be carried out, which would be better than that presented here, but I think the basic idea of content labeling is what we need to accomplish our protection of the consumer.

When I first started out with the bill, frankly it was my idea to help promote cotton, with the advantages there, but after having seen and talked at length with consumers, individual housewives, merchants, and representatives of the Federal Trade Commission, about the idea, I am convinced that there is an important gap in the protection that we give the consumer that can only be resolved, in part, by some type of legislation like this.

Mr. MACK. That was my understanding, that you had over the past 6 months tried to eliminate the objections to the bill, and that you had worked with and contacted several of the people in this industry and gave them an opportunity to make suggestions for improving your legislation.

Is that correct?

Mr. SMITH. That's right.

Mr. MACK. Thank you very much.

Do you have any other questions?

Mr. ALGER. Mr. Chairman.

Mr. MACK. Mr. Alger.

Mr. ALGER. Is this similar to your bill?

Mr. MACK. Yes, it is similar to my bill. My bill includes the wool provisions.

Mr. ALGER. May I ask how many members of the committee have not read this bill or would like to have Mr. Smith continued with his statement?

Mr. MACK. I extended that courtesy to the committee—

Mr. ALGER. I don't know how many members were hesitant, that is, new members were hesitant to speak, because we felt the senior members had read the bill, whereas some of us had not. I would suppose that there were others here who would like to have him proceed, if it were possible.

Mr. MACK. Mr. Smith, I am sure, would be happy to proceed with the balance of his statement, and the committee would be happy to hear him.

Mr. SMITH. Section 1, of course, contains the title of the bill, The Textile Fiber Products Identification Act.

Section 2 defines the scope of the act, which is broad but in no way unreasonable. I think it makes clear, in its definitions of the terms used in the bill, that we seek here the labeling of textile fiber products of apparel and household-use nature, whether they are in fact used personally or in the home, or in an hotel, or in a restaurant, or elsewhere.

We do not seek to require fiber content labeling of industrial-use fibers, and in a later section (sec. 12) certain specific exemptions from coverage are made for items which have an inconsequential textile fiber content, or where the disclosure of fiber content is not necessary for the protection of the consumer. These include such things as stiffenings, trimmings, hats, lamp shades, toys, linings, and so

forth. In addition, the Federal Trade Commission may exclude additional products, after public hearing, if it is felt that their labeling would serve no useful purpose.

The bill does not repeal or sacrifice any of the provisions of the Wool Products Labeling Act, which has served the American wool grower and the public so well. It does, in fact, bring under labeling coverage some of the wool items, including carpets and rugs, which are now exempted from the Wool Act. The carpet industry now considers it desirable to be covered under labeling legislation.

Section 3 declares misbranding unlawful, and defines misbranding as the failure to disclose the fiber composition of textile fiber products. An important provision of this section is that such disclosure will not be required until the textile fiber product is in the form intended for sale or delivery to, or use by, the ultimate consumer. This provision eliminates unnecessary labeling of individual products by processors, but it does require processors to identify the fiber content on the invoice covering the sale or shipment of products which have not yet reached the form in which they will be sold to or used by the consumer. Section 3 also exempts, under carefully specified conditions, related operations such as those of common carriers, exporters and publishers and advertising agencies.

Section 4 defines the information which must be disclosed in order that a textile fiber product not be misbranded. The percentage of each fiber in a textile fiber product must be stated, in the order of predominance by weight of each fiber in the product.

This section has several important provisions designed to protect both manufacturer and consumer. One of these specifies that fibers present in less than 5 percent of the total weight of the product shall not be identified by name, only as "other fiber." The reason for this is that such small amounts of fiber do not contribute usefully to the quality or performance of a fabric, and their disclosure by name can only be a misleading form of promotion.

Another important provision allows manufacturers a processing tolerance. It is sometimes impossible to control exactly the percentage of fiber in a blended fabric, and the bill specifically states that a deviation in fiber content from that stated on the label which resulted from unavoidable variations in manufacture, despite due care to make the statements accurate, shall not constitute misbranding.

This makes it clear that manufacturers are required to exercise every care to make the statements on the labels accurate, but that they are not to be called to account under the enforcement provisions of the act for unavoidable manufacturing deviations. It is my understanding that under reasonably careful conditions, deviations would not exceed about 4 to 5 percent. And obviously, no deviation would be permitted in a fabric labeled as 100 percent any fiber.

Section 4 also contains the assurance that the act does not require an additional label. The fiber content of the fabric may be shown on an existing label which contains other information, such as trademarks, or included on the size tag or other identification device normally used, so long as it does not violate the provisions of this act. This makes it clear, I think, that compliance with the act can be achieved by using the forms of labels presently in use by manufacturers and retailers.

Another provision of section 4 relates to imported textile products. It requires that the name of the country of origin be disclosed where the textile product contains any imported fiber, yarn or fabric, whether in its original form or contained in another textile product.

Section 5 sets forth reasonable, effective means by which textile fiber products may be relabeled by retailers, for example, who wish to use their own labels. It also makes unlawful the removal of labels without their appropriate replacement.

Section 6 provides for the keeping of the minimum records necessary for proper enforcement of the act and for the protection of all persons required to comply with the act.

Sections 7 and 8 provide for enforcement of the act and give to the Federal Trade Commission the powers of injunction, but they do not contain the onerous condemnation proceedings which are found in certain other Federal acts of this general nature. Condemnation and seizure is not believed to be a necessary procedure for adequate enforcement of this act and what it seeks to accomplish.

Included in the authority granted the Commission, in section 7, to make rules and regulations for enforcement of the act is a specific direction that the Commission establish generic names for manufactured fibers. The language of H. R. 469 does not, in specific terms, spell out the method by which generic names shall be established, but this matter has been discussed at length with the Commission and industry representatives, and there is a clear understanding that it is the intent of H. R. 469 that the Commission shall hold oral, public hearings in connection with the determination of generic names of all manufactured fibers, those presently in existence and those developed in the future.

Section 9 covers identification of textile fiber products imported into the United States and in its coverage places imported textile products on a competitive footing with domestically produced textile products insofar as fiber-content labeling is concerned. The provision regarding imported products under section 4 deals with the labeling of a product made in part from an imported textile, whereas section 9 deals with the identification of a product which is in itself, in the form of a completed product, imported.

Section 10 provides needed protection for those who handle or process a fiber, in that they may rely, in labeling or marking the fiber content of a textile product, on the information furnished to them by the person from whom they obtain it.

Section 11 is the penalty provision relating to willful violations of the act.

Section 12, as I mentioned earlier, contains the exemption of certain items for which fiber identification is considered insignificant. Section 13 is the separability clause, and section 14 relates to existing laws.

The effective date of the act, as provided in section 15, will be 18 months after its enactment, and this section requires that the promulgation of rules and regulations for the administration of the act by the Federal Trade Commission be completed within 9 months after passage of the act, thus providing a full 9 months for all parties coming under its coverage to prepare for compliance.

Section 15 also affords a needed protection to the small retailers over the country who sometimes carry stocks for a long time, in that

it gives the Commission authority to except from the requirements of the act any textile fiber product acquired prior to its effective date.

Mr. MACK. Do you have any further questions, Mr. Alger?

I think with the exception of the wool provisions, one of the main differences in the bills is whether the labeling should be by percentage of a certain material or by predominance.

Is that not correct, Mr. Smith?

Mr. SMITH. That is right.

Mr. MACK. Would you want to comment on that at all, as to why you selected the percentage rather than the predominance factor in your bill?

Mr. SMITH. Well, I think that the percentage requirement is the only way that you can give any full protection to the consumer. Predominance would be better than nothing, but I don't think it provides any real hardship to have the predominance and the percentage. Stating the percentage would prevent there being a misconception on the part of the consumer of what is involved, and protects us from the possibility of a situation developing as was mentioned in this bar to labeling something under 5 percent, putting 1 percent nylon or 1 percent dacron in the product, and listing it in the advertisement as a nylon mixture or a dacron mixture, or something like that. I think probably percentagewise you can really give the protection you are seeking to give.

Mr. MACK. None of the constituting less than 5 percent would be listed in either case.

Mr. SMITH. Would be listed, that's right, because, as I say, there is really no purpose in listing anything other than 5 percent and more. It serves no purpose and almost certainly would be used for other purposes in advertising.

Mr. MACK. Therefore, either method would be agreeable.

Mr. SMITH. Either method would be a great improvement on what we have now.

Mr. MACK. That does not exactly answer my question.

Mr. SMITH. I will say that I have become convinced about that.

Mr. MACK. Thank you.

Mr. SMITH. That the labeling by content, by percentage, is far more advantageous to both the industry concerned and for the protection of the consumer.

Mr. MACK. Thank you very much, Mr. Smith.

Does anyone have any questions?

Mr. Jarman?

Mr. JARMAN. I would like to ask our colleague whether the provisions of his bill relating to fiber products generally are the same as the provisions of the Wool Products Labeling Act?

Mr. SMITH. I think that is a fair statement. That is what we are attempting to do. There are certain refinements that are based on recommendations from the industry and Federal Trade Commission, but basically it is the same idea, that you will have identification by label in the garment or product.

Mr. JARMAN. When was the Wool Products Labeling Act passed?

Mr. MACK. It is the Wool Labeling Act of 1939 and was passed October 14, 1940.

Mr. SMITH. I was going to say before the war.

Mr. JARMAN. You mentioned in your statement a criticism that was leveled against that act at the time it was being considered for legislation.

Mr. SMITH. Yes.

Mr. JARMAN. Based on experience, how much of that criticism is now justified?

Mr. SMITH. As far as I know, there is some controversy in the wool industry as to whether some provisions about the requirement of re-use or something like that should be included in the label, but as far as the labeling act itself is concerned, there is general agreement among the wool producers, manufacturers and processors and merchants and retailers, that that is a very good law and works out well.

Mr. JARMAN. I think the only other question I have, then, would be—is it your understanding that the general agreement is that people have been able to live under and work under the Wool Products Labeling Act without any real hardship.

Mr. SMITH. I have heard of no hardships in regard to the labeling, and in fact I think most consumers of wool goods, those of us who buy suits, for instance, accept it as part of the procedure. We know from its label that it is wool, and our wives can buy the same type of garment where there is wool. They simply accept that as part of the procedure in shopping, to make sure that it is labeled.

Mr. JARMAN. Thank you very much.

Mr. BENNETT. Mr. Chairman.

Mr. MACK. I promised to recognize the gentleman from Kansas.

Mr. AVERY. I will be glad to be brief.

I would like to compliment the gentleman from Mississippi, because we know he is always being concerned about the cotton industry, not only the producers, but the textile industry as well.

I had a very grave question in my mind, but you pretty well covered it in section 10, Mr. Smith.

Just where you were going to fix the responsibility for the labeling; but as I read section 10, that would place the responsibility squarely on the shoulders of the manufacturer.

Am I correct in that analysis?

Mr. SMITH. That is right. The idea is, primarily the responsibility is there. We have to have certain other checks to make sure that he, or that there is not some other merchant along the way, or distributor, who relabels the thing; but, basically, his is the responsibility.

Mr. AVERY. In other words, if the retailer or processor can show that he accepted that formula or description of contents in good faith, he is absolved, and if he does not alter the material as it comes to him, then he is absolved of any further responsibility, as far as living up to the requirements of the act are concerned?

Mr. SMITH. That is right. There could not be any damages resulting to a retailer who relied on the labeling of goods he bought in good faith.

Mr. AVERY. In other words, an innocent third party.

Mr. SMITH. That's right.

Mr. AVERY. Is that the same general formula that is applied in the Wool Labeling Act—with which I am not familiar at all—but where responsibility is placed there?

Mr. SMITH. My understanding is, and I'm not familiar enough with it to be an expert, as to how the wool processing thing goes, but I believe that is about it.

Mr. AVERY. Your general approach is the same, the placing of responsibility as we have it under the Wool Labeling Act, and in your opinion it would work just as well?

Mr. SMITH. That is right.

Mr. AVERY. Thank you.

Mr. MACK. Mr. Bennett.

Mr. BENNETT. I was not here when you first started to read your statement, Mr. Smith, but I take it that the objections that were made to your bill last year have now been resolved and that there is no contention from the industry with respect to the present bill?

Mr. SMITH. That is not quite proper to say. Some of the objections have been resolved, but basically there are still some. There is a controversy. Some of the wool people, certain of the processors of wool, want to use that bill as a vehicle to amend the Wool Labeling Act, and that is a controversy that I just thought it would be best for me to stay out of. That was the general opinion among those I talked to.

Mr. BENNETT. The fur people wanted to get into that—

Mr. SMITH. The fur people wanted to get into that last year also, but my idea was, and the general conclusion of the committee was that that was something they should take up on their own, more or less.

There are certain elements of the industry, the apparel industry and various other manufacturers that do not want to be included in this legislation, but basically I think that there are certain details about types of coverage that I think should be resolved by the committee.

However, I think that basically most of the general opposition to the bill now comes from people who just don't want to let the consumer know what is in the product they sell.

Mr. BENNETT. There are different kinds of cotton. There is an imported cotton, for example, I bought a shirt not so long ago, and the label stated dacron and Egyptian cotton.

Mr. SMITH. I am glad it had some cotton in it.

Mr. BENNETT. Does your bill require the labeling of the fiber and the country of origin?

Mr. SMITH. It requires, if it is of foreign origin, that it be shown on the label.

Mr. BENNETT. Do not most producers of cotton goods now label their products?

Mr. SMITH. Some of the people who are in the quality cotton business, most of them do now. But as I mentioned somewhere in my statement, somewhere like four-fifths of the cotton is used in end products where there is no labeling at all.

Mr. BENNETT. What is the principal abuse that is now being perpetrated on the public that your bill is trying to correct?

Mr. SMITH. The use of inferior blends in labeling or selling a product as cotton, nylon or dacron product, when it is mixed with a blend. I think a fine example developed—not a fine example, but one of the worst examples, when we were trying to get at the matter in New York last year.

The Federal Trade Commission people there showed me a child's snowsuit which was sold and represented as a nylon snowsuit. It was sold by one of the larger stores, a big store in New York that has its own laboratory and normally analyzes these products to protect themselves.

As I say, it was represented as a nylon snowsuit, and it did have nylon outer covering, but the suit had been washed once, and the outer covering felt dry, but all the packing inside was soaking wet. If somebody had been careless enough to put it on a child after it felt dry on the outside, it could have given that child pneumonia or a cold, and yet it was sold as a nylon product, and the stuffing in it, in the snowsuit, was paper, in the main, and it would practically never dry.

MR. BENNETT. Mr. Avery asked a question about the effect of this legislation on the retailer.

Is it true that under your bill a retailer could change the label on the garment without any penalty on his part?

MR. SMITH. He could not change the label—if he changed the label, he would have to show the requirements or follow the requirements by the identification of what was in the content. He could not be held responsible for mislabeling that came to him from a wholesaler or manufacturer.

MR. BENNETT. Well, if your bill was adopted, would the retailer be able to change the label showing the fiber content, without any punishment on his part?

MR. SMITH. No. If he did that, he would be subject to punishment.

MR. BENNETT. He can do that now.

MR. SMITH. Yes, he can do anything he wants to with it now.

MR. BENNETT. If your bill was adopted, he could not change the labeling?

MR. SMITH. I mean, he could put his own private label on it, as some of the stores do, or something like that.

MR. BENNETT. He would be responsible if there was any mislabeling?

MR. SMITH. That is right. If he mislabeled it, as far as the content was concerned.

MR. BENNETT. That's all.

MR. MACK. You say he could change the label, he could put his own label in there, as long as he used the correct predominance of the materials used?

MR. SMITH. Protected the identification as to the content.

MR. MACK. That is covered in section 5 of your bill?

MR. SMITH. That's right.

MR. MACK. A provision so that he could change the label if he wants?

MR. SMITH. That's right. Section 5.

MR. MACK. Mr. Moss.

MR. MOSS. I have no questions.

MR. MACK. Mr. Beamer.

MR. BEAMER. Mr. Chairman, I joined the gentleman from Mississippi last year in introducing a companion bill. I feel that every industry is entitled to protection. We didn't get too far with it last year.

However, I am wondering, Is this bill a bit different from the one last year? It applies specifically to cotton and also gave the percentages.

Mr. SMITH. In that sense, it is the same, but we have what we consider further perfections in the bill.

Mr. BEAMER. I want to address myself to that point.

You made a point on imports. I am wondering if you could tell us the effect imports are having on cotton. I don't mean imports of cotton alone, but also other synthetic products to replace or compete with cotton.

Mr. SMITH. Well, of course, we think that cotton would compete with any product, whether it is made here or imported. It is just that we want people to know about it.

Now, we do not attempt to get involved in any question in this bill or to resolve the question of whether you let somebody import something or not. This is just for the purpose of knowing what is imported and what is not imported, and require labeling that it is imported.

There have been, as you know, considerable complaints in the cotton textile industry for the past several years about the competition they are meeting in regard to specific types of imports, and as a result of that, and a result of a lot of agitation in Congress and consideration in the executive department, there has been an agreement worked out with the Japanese, an informal agreement between the United States Government and Japan, about the types of imports and the amount that will be made, in which there is general hope that that will, in a large measure, resolve the problem.

Mr. MACK. That is the reason I asked the question. I was wondering whether the State Department might have some comment to make on the effect of such a bill upon—the relation of the bill upon other foreign countries.

Mr. SMITH. We don't think this bill will have any effect either way, as far as increasing or decreasing imports are concerned. We didn't attempt to get into that controversy with the bill. The labelling is required there as part of the general practice.

Mr. BEAMER. One last question: Let's say that these questions are solved, and that there is no particular opposition toward this proposal, is it a fact that it will not increase the sale of cotton products, but on the contrary, that cotton very well may suffer from the passage of the bill, as did wool after the passage of the Wool Labeling Act—that is to decrease sale of cotton?

I wonder if you have taken that into consideration.

Mr. SMITH. I would say, as one vitally interested in cotton and the future of cotton, I am willing to take a chance on what it does to cotton. The great majority of cotton farmers and producers are willing to take that same chance.

Mr. BEAMER. Is it true that the wool industry suffered a setback or decreased sales, let's say, after the Wool Labeling Act was passed? That implication was in the letter, and I didn't have that information.

Mr. SMITH. Well, I couldn't tell you, to be honest, Mr. Beamer. They have listed a representative of the Wool Producers Association, or their national group, that is going to testify, and I think they could best answer that.

Mr. BEAMER. I think it will be interesting to follow that point. Thank you, Mr. Chairman.

Mr. MACK. The Chair would like to make this statement, that the other bills introduced would conform with the Smith bill and amend the Wool Labeling Act, or repeal it, and would bring wool under the coverage of this bill, which also covers the textile industry generally. It covers most all fibers. And if the wool industry lost sales through labeling, it appears to me that those sales should be recovered by now, and this would probably be of assistance.

The committee will go in executive session at 11 o'clock, and we will have to adjourn.

However, I do have 1 or 2 questions myself that I would like to ask, if none of the other committee members has any further questions.

It has been called to my attention or mentioned to me that several of the concerns or associations who have objected to both bills feel that you could have a voluntary labeling program where you would require that if it is labeled, that it be labeled accurately, but you would not require all textiles to be labeled.

Would you want to comment on that while you are here this morning, Mr. Smith?

Mr. SMITH. Yes.

I'm told that the idea is the result of a copy or in some way fashioned after some type of labeling program that they have in effect in Great Britain. I think, though, that there is very little possibility of achieving that, from what the Federal Trade Commission told me, or even if it were found to be desirable, it is based on an entirely different concept from the type of advertising system, the whole type of business system we have in the United States.

I mean, we like to tell people that we've got the best things in the world. When we've got a Chevrolet, we say the Chevrolet is the best. We like to represent it as being far better than a Ford or whatever the competing product is, just like that.

They don't have that type of advertising system in Great Britain. Here you say that car is the best buy available, if it is that type of advertising. That could be considered truthful, because we say that in our judgment it is the finest available. But if you advertise that way in Great Britain, you would be violating the law or the regulations, because almost anything—it wouldn't take much proof in a technical sense to prove that it was not necessarily the best available.

Now, I think that basically that is why that type of labeling would not work here. I think we might have trouble with it. We have all types of ethics in business, and we have a different type of business.

Frankly, it might work, but I don't think there is too much wrong with our system. We just want to show people that business is good and our product is the greatest. And frankly, if that is an abuse, that abuse is not too bad. It's simply an exaggeration, an intense loyalty to a product.

I don't think there is too much wrong with our business and advertising system.

Mr. MACK. You stated that you did not object to the wool provisions particularly, but that your bill evaded that controversy.

Now, don't you feel there would be some advantage if we just had one labeling act to cover all of the fibers?

Mr. SMITH. There conceivably would be an advantage. However, this bill, if it became law, with the wool products labeling law, would be the equivalent of one in that respect. I just don't believe there could be, from what I have seen, it may develop from experience, that the experience of the committee is different, but from my experience, and in talking with representatives, there apparently is not going to be any agreement in the wool industry of any major revisions, or to any major revisions in their law, and there is no major controversy in that regard among the producers and manufacturers, for instance, of the other products in that respect.

Mr. MACK. You say there is no major controversy?

Mr. SMITH. I say major controversy. I didn't say there wasn't any controversy. There will never be a situation where there won't be some controversy.

Mr. MACK. Of course, there is something to be said for standardization and treating all products equally. That is the purpose of my bill—to bring the wool industry under the same provisions as would govern the cotton industry under your proposal.

Does any one of you gentlemen here have any further questions?

Mr. ALGER. Mr. Chairman, is there a problem in the generic terms? I see that you mention in your statement that there has been lots of talk about this and an understanding that if there were an oral hearing, there would be a problem about the Commission designating names.

What is the problem? Is there some danger of misleading names or what?

Mr. SMITH. The problem is that there are a large number of names that have originated, just brand names or trade names that have come to mean the same as a generic term.

Mr. ALGER. Speaking of rayon or dacron or nylon?

Mr. SMITH. That's right. They originally first started as trade names, and more and more of these trade names will probably develop as newer types of fabrics are found by the chemists, and as they work them out. There should be in the labeling some provision to insure that established generic names are used for fibers that are of the same chemical construction. There should be a provision to insure that these endless trade names can be recognized for what they are—the same products.

Mr. ALGER. Does that state that there must be names?

Mr. SMITH. They will have to be named, that's right.

Mr. ALGER. Wouldn't that make trouble for the enforcement people, running into these generic names for manufactured products?

Mr. SMITH. There are so many trade names for the same generic groups that we don't attempt to set them forth in the bill, because there will be new ones developed, and you couldn't just establish a cut-off date where you can't have any more in that respect or anything else, giving names as a specific example.

Mr. MACK. Thank you very much, Mr. Smith. We have enjoyed your testimony this morning. I would like to state for the benefit of the other committee members here this morning that we are making every effort to see that all interested parties have an opportunity to testify. For that reason we have extended the hearings from today and tomorrow until next week. We will meet again on Thursday and Friday of next week.

The committee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 11:10 a. m., the committee stood in recess until 10 a. m., Friday, April 5, 1957.)

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

FRIDAY, APRIL 5, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE OF THE
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to call, in Room 414, Old House Office Building, Hon. Peter F. Mack, Jr. (chairman of the subcommittee) presiding.

Mr. MACK (presiding). The committee will be in order.

We are continuing hearings this morning on H. R. 469, 5605 and 6524.

The Chair would like to note the presence of our colleague from Mississippi, Frank Smith. We are very happy to have him here this morning.

Our first witness this morning will be Mr. John C. Lynn, legislative director of the American Farm Bureau Federation.

Mr. Lynn.

STATEMENT OF JOHN C. LYNN, LEGISLATIVE DIRECTOR, AMERICAN FARM BUREAU FEDERATION

Mr. LYNN. Mr. Chairman, our statement is very brief. And with your permission I would like to file it for the record and make about three comments.

Mr. MACK. The Chair would be very happy to have you file your statement and make three brief comments.

(The statement is as follows:)

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION RELATING TO H. R. 469, TEXTILE FIBER PRODUCTS IDENTIFICATION ACT, PRESENTED BY JOHN C. LYNN, LEGISLATIVE DIRECTOR

The American Farm Bureau Federation has had a long and continuing interest in labeling legislation. The official voting delegates of the member State Farm Bureaus at our last annual meeting in December 1956 approved the following policy.

"We recommend the enactment of legislation to require labeling of textile products to disclose percentages of fiber content. Such labeling is necessary to provide adequate information to consumers and assure fair competition among the various fibers.

"Imported fiber products should be subject to the same labeling standards as domestic products."

We favor the enactment of H. R. 469.

Several years ago the wool industry pioneered in the field of accurate description of fiber products by their support and promotion of the Wool Products Labeling Act of 1939. Farm Bureau was very active at that time in support of the wool-labeling legislation. Under the provisions of this statute the pur-

chaser of products made from wool is given assurance that he receives what he has bargained for. H. R. 469 and companion bills are designed to accomplish for nonwool fibers what the Wool Products Labeling Act has accomplished for wool.

We understand that all segments of the industry have approved the principles embodied in this legislation. This proposed legislation has been carefully drafted to provide necessary standards, exemptions, and procedures. Under its provisions a purchaser of any product made from a fiber or fibers other than wool can be reliably informed with respect to its fiber content. We do not believe that the enactment of this legislation would impose any unreasonable burden on manufacturers and processors of textile fiber products.

The American Farm Bureau Federation appreciates the opportunity of presenting, very briefly, its views on this bill and respectfully urges early and favorable action by the committee in order to permit the completion of congressional action at the earliest possible date.

Mr. LYNN. We support H. R. 469. We have had the opportunity to work closely with Congressman Smith and others in developing this legislation. We recognize that there are other approaches to this problem, but it is our best judgment that perhaps this is the most feasible approach at this time.

As producer representatives we are very much concerned with regard to the situation that we find ourselves in with regard to the cotton program. And it is an understatement to say that cotton is in trouble.

We do not contend that this particular piece of legislation will solve all of the problems of cotton but it is part of a program in the American Farm Federation. It is a part of a seven-point program, designed to find some solution to the cotton problem.

Our problem centers around the fact that synthetic fibers, both at home and abroad, are taking over a great portion of our market. We believe that this legislation will assist cotton manufacturers, assist consumers, in identifying this product, which has similar qualities to many of the synthetic fibers that are being blended with it, and it will be one point in a program that will help to find a solution to this problem.

It is important, I think, to the whole of the United States, particularly the agricultural economy of the United States, for us to have a healthy cotton industry.

And, Mr. Chairman, you, coming from the heart of the real farming area of Illinois, we appreciate the fact that as we are forced to reduce the acreage of cotton in the South due to whatever cause, primarily due to the competition that we will have both at home and abroad, those diverted acres come in direct competition with products that you produce in Illinois.

So what I am simply saying is that this legislation, coupled with other pieces of legislation that we are advocating, will tend to help us get at a solution to this complicated problem.

Thank you.

Mr. MACK. Therefore, you feel that this labeling legislation would tend to increase your markets for cotton?

Mr. LYNN. That is right.

Mr. MACK. Would you like to comment at all on the other? There have been two other bills introduced, identical bills, and I was wondering if you had analyzed those bills and if you cared to comment on them?

Mr. LYNN. I have not made a thorough analysis of them. I have studied the bills. They have a great deal of merit. I think both of these bills do.

The wool producers, each time we brought up the subject of amending the Wool Act, have thrown up their hands and said, "Don't touch the Wool Act"—those in our organization. Therefore, we have been working with the wool producers. We have tried to avoid in this legislation, the Smith bill, any amendments to the Wool Act.

We think, perhaps, that the provisions of H. R. 469, as it has to do with textile labeling, meets the problem a little more completely than the provisions of your bill, for example.

However, we would be very happy to support your bill if the provisions pertaining to textile labeling that are in the Smith bill were lifted out and transferred into your bill. This does not do violence to your bill, because one of the major things that you have is that you deal with part of the wool that is not covered currently by the Wool Product Labeling Act.

But we think that we will have a better chance of getting H. R. 469 passed in this legislation of Congress than we will if we opened up for amendments to the entire Wool Act.

Mr. MACK. Mr. Alger, do you have any questions?

Mr. ALGER. No questions.

Mr. MACK. I want to thank you for your statement then.

Mr. LYNN. Thank you.

Mr. MACK. Our next witness will be Mr. J. Banks Young, Washington representative, National Cotton Council of America.

STATEMENT OF J. BANKS YOUNG, WASHINGTON REPRESENTATIVE, NATIONAL COTTON COUNCIL OF AMERICA

Mr. YOUNG. For the record, my name is J. Banks Young. I am Washington representative of the National Cotton Council of America, which has its headquarters in Memphis, Tenn.

The council is the overall organization of the raw cotton industry, composed of cotton producers, cotton ginner, cotton warehousemen, cotton merchants, cotton spinners, and cottonseed crushers.

At its last annual meeting on January 29, 1957, the voting delegates of the council approved unanimously the following resolution:

That the council continue to support legislation which would require the labeling of textile products to show their true fiber content; * * *

The textile-fiber products identification bill, H. R. 469, introduced by Representative Frank Smith of Mississippi, embodies the principles set forth in the council's resolution. We therefore endorse and support this bill.

Our testimony in support of Representative Smith's bill a year ago pointed to the need for labeling as protection both for the consumer and the producer of textile products.

The practice of blending cotton and synthetic fibers, principally rayon, is increasing. Rayon's substantial price advantage over cotton, currently about 7 to 11 cents per pound, is the reason for most blending.

It is impossible for a layman to detect the presence of a small percentage of lower cost rayon staple fiber in a new fabric which is principally cotton.

With the new chemical finishing processes and advancements in weaving techniques, it is possible to make almost any fabric of a particular fiber look and feel like a fabric made from another fiber.

It is, therefore, easy for blends of rayon with cotton to be bought for all-cotton fabrics. Sometimes they are even sold as such.

This is done in most instances through ignorance on the part of salespeople, but it is unfair to the consumer. Among other reasons, the blend will not launder as well or wear as long as an all-cotton product. Thinking the material cotton, the consumer therefore becomes dissatisfied with cotton.

Unless the fabric or garment contains a label showing fiber content, there is no way for a consumer to be sure she is getting what she wants and is paying for.

Cotton farmers suffer in two ways from this: First, when rayon is "slipped in" a product which is traditionally all cotton, farmers lose part of their markets through unfair competition.

On top of this, they lose prestige for their product from consumers who are dissatisfied with blends they purchased in the belief they were all cotton. The raw cotton industry is simply asking that its products be protected by requiring that the fiber content be disclosed.

The provisions of the Smith bill would accomplish this, and they are reasonable and take into account trade practices. There are four principal differences between H. R. 469 introduced by Representative Smith, and H. R. 5605 and H. R. 6524, introduced by Representatives Mack and O'Brien, respectively.

The cotton industry strongly favors the provisions of the Smith bill on three of these points, and is neutral on the fourth. The differences and the reasons why we favor the Smith bill in each instance are—

First, the Smith bill relieves manufacturers of labeling requirements which are not necessary to achieve the purposes of the legislation. Under the provisions of the bill the individual product would be labeled only when it is in the form intended for use by the ultimate consumer, and not in early and intermediate stages of processing.

Manufacturers, in other words, would be permitted to accomplish identification through a statement on their invoices covering the sale or shipment of goods.

Second, the Smith bill provides for the disclosure of the fiber content in all blends and mixtures in much the same way as does the Wool Act. H. R. 5606 and H. R. 6524 do not give protection where it is most needed—that is, they do not require disclosure of percentages of fibers which are present in amounts of more than 20 percent and less than 80 percent.

In these cases, identification would be by name of fiber and order of predominance. The effect of this provision is such that the label on a blend which contains 21 percent rayon and 79 percent cotton is the same as the label on a blend which contains 49 percent rayon and 51 percent cotton.

Yet the second blend contains almost $2\frac{1}{2}$ times more rayon, but would have the same label. For those who were not sufficiently familiar with the legislation to understand the significance of the rule that the fibers must be shown in the order of predominance, it would not be possible to distinguish between a blend containing 21 percent rayon and 79 percent cotton from another blend containing 21 percent cotton and 79 percent rayon.

In other words, they would be reversed.

Consumers, fiber producers, and manufacturers are afforded much better protection by the requirement that the percentage of fiber content be shown in these instances, as provided in the Smith bill.

Neither the fiber producer nor the consumer will be satisfied with the partial disclosure provided for in H. R. 5605 and H. R. 6524.

With the more complete disclosure required by the Smith bill, manufacturers will be protected from cost-cutting competition, in which the proportion of inexpensive fibers may be increased in a blend.

Consumers will be able to tell readily whether the blend contains 21 percent of a particular fiber or 49 percent, since quality of the product would be materially different.

Third, under H. R. 5605 and H. R. 6524, manufacturers could be required to prove that minor discrepancies in the fiber content in a fabric from that shown on the label were due to unavoidable variations in the manufacturing process.

The Smith bill provides that manufacturers shall not be charged with misbranding for unavoidable variations.

The fourth principal difference has to do with wool. H. R. 5605 and H. R. 6524 repeal the Wool Labeling Act, and provide for the labeling of wool products in accordance with those measures.

The Smith bill covers all textiles except those covered by the Wool Labeling Act. The big question at issue in this instance is whether reprocessed and reused wool shall be required to be labeled as such. The cotton industry has no position on this issue.

As an example, let me describe briefly what the Smith bill would require in the case of a woman's dress. A cotton mill would get an order for a specified yardage of print cloth made, say, of 100 percent cotton.

The cotton would be spun into yarn and woven into the fabric. The fiber content, 100 percent cotton, would be shown on the invoice or shipping document for the order of cloth, which the mill sends to the garment manufacturer. So the garment manufacturer has the fiber content of the fabric which he ordered confirmed to him on the invoice from the mill.

The work order in the garment plant which governs cutting, sewing, and other processes could easily contain, among other things, the fiber content of the fabric. The label or size tag which is attached to the dress could easily show the fiber content.

The dress is then properly labeled. If, when received by the retailer, the original label or size tag is removed or replaced, the information as to fiber content required for the other tag or label is readily available from the original tag which was attached to the dress.

If the order placed with the mill was for a fabric, a blend containing 25 percent rayon and 75 percent cotton, the same procedure would be followed except that the fiber content as shown on the label would be different.

This small additional effort on the part of textile processors and distributors is certainly inconsequential compared with the benefits which result.

It might be helpful for the committee to know who favor mandatory fiber identification of textiles. Among them are farm organizations, the raw cotton industry, most producers of synthetic fibers and a number of important retail and consumer groups.

There is a difference of opinion among some of these groups as to the type of labeling bill—particularly with reference to amending the Wool Act—but all favor mandatory labeling.

Today the carpet manufacturers want mandatory labeling so their customers will know what they are getting. When the Wool Act was passed they were opposed to mandatory labeling and they successfully sought to be exempt. Then all carpeting was made of wool. Today it may be wool, or cotton, or rayon, or nylon—or a blend.

Mr. Chairman, attached to our statement is a brief statement of the principal provisions of H. R. 469, which the committee may want to have incorporated in the record.

Let me emphasize that the bill does not require the labeling of individual products until they are in the form to be sold directly to the consumers.

At earlier stages of processing or distribution, identification on the invoice covering the shipment is satisfactory. Use of existing labels or tags to show fiber content is also provided for.

There are two provisions of the bill about which special comment might be appropriate. The first has to do with procedure for handling deviations in the actual fiber content of the fabric from that shown on the label.

We understand that the Federal Trade Commission contends that the provisions of the Smith bill relating to deviations, which are found on page 8, lines 1 through 7 of the bill, would make it virtually impossible to administer.

We also understand that the Commission feels that the comparable provisions which are contained in the Wool Act are preferable.

The provisions of the Wool Act in this regard place all of the burden of proof as to variations in fiber content upon the manufacturer. No provision is made in the bill for recognized unavoidable variations in manufacturing.

We feel that there should be some tolerance because of the impossibility in all cases of maintaining a constant percentage of a blended fiber in an entire manufacturing run of a particular fabric.

Accordingly, the committee may wish to consider the comparable provision in the Wool Act, but with the added requirement that FTC set up reasonable tolerances which give him recognition that some variations in manufacture are unavoidable.

The second provision has to do with advertising. Several groups have stated that to show the percentage of fiber content in advertising would require additional space and interfere with merchandising practices.

It has been suggested that the listing of the constituent fibers in a blend in order of their predominance, giving equal prominence to each, would take up much less room, and would adequately inform consumers. The product itself would have the full information disclosed on the tag attached thereto. We see no objection to such a change.

For many years now the wool industry has had the benefit of mandatory labeling requirements. The Smith bill is in general form and substance comparable to the Wool Products Labeling Act.

The cotton industry requests that it be accorded the same treatment. We therefore urge this committee to approve H. R. 469, and to seek its passage by the Congress.

We appreciate the opportunity of presenting the views of the National Cotton Council to this committee.

(The statement referred to is as follows:)

PRINCIPAL PROVISIONS OF PROPOSED TEXTILE LABELING BILL

1. *Labeling requirements*

The fiber content, expressed in percentages, would have to be shown on a label for each textile product when made into the form intended for use by the ultimate consumer. Ornamentation would not have to be labeled. Any fiber which comprised less than 5 percent of the total fibers in the product would not be designated by name, but would be included in "other fiber(s)." Fiber identification of textiles in the unfinished state, such as yarn and fabric, would be accomplished by a certification on the invoice covering the shipment. A special stamp, tag, label or other means of identification showing only fiber content is not required. The information about fiber may be shown on the size tag, the manufacturer's or seller's label, or on other such identification devices.

2. *Applicability*

(a) *Wool products*.—Wool products are required to be labeled under the Wool Products Labeling Act, which would not in any way be changed by the proposed bill. Carpets, rugs, mats and upholsteries are exempt under the Wool Act, but would be covered in the proposed bill.

(b) *Interstate applicability*.—All finished products in interstate commerce would be covered, as well as products made from fiber, yarn or fabric which moved in interstate commerce.

(c) *Exemptions*.—Identification of parts of products not important to consumer usefulness are, in the main, exempt. These include such things as linings, interlinings, fillings, paddings (not incorporated for warmth), stiffenings, trimmings, facings, backings of floor coverings, shoes, overshoes, hats, handbags, luggage, brushes, lamp shades and toys. In addition, such items as bandages, surgical dressings, sewing thread and waste material not used in textile products are exempt. If any representation as to fiber content of these items is made, the exemption does not apply. In addition, the FTC may exempt products which have insignificant or inconsequential textile fiber content or where the disclosure of the fiber is not necessary for the protection of the ultimate consumer.

3. *Advertising*

If any representation as to fiber is made in any written advertisement, the same full disclosure of fiber content as required on the label must be made.

4. *Imported products*

The present tariff laws require imported finished products, such as shirts, sheets, towels, etc., to be identified as to country of origin. The proposed bill would require the disclosure of country of origin of any of the fiber, yarn or fabric which was imported.

5. *Enforcement*

The FTC is designated as the enforcing agency through the means provided in the proposed bill, as well as those contained in the Federal Trade Commission Act. Manufacturers of textile products are required to maintain proper records as to fiber content for at least 3 years. The Commission is authorized to seek injunctions in Federal district courts in its enforcement process. Penalty for willful violation is specified at not more than \$5,000 or imprisonment for not more than 1 year, or both. As a protection to purchasers of textile products, they may not be charged with violation of the act if they have a guaranty as to fiber content of the products purchased from the supplier.

Mr. MACK. As a representative of the National Cotton Council, do you feel that the enactment of this legislation would substantially increase your marketing possibilities for cotton?

Mr. YOUNG. We feel that there would be some increase. How substantial it would be it is a very difficult question to answer. We think that it is extremely important. We are not in position to give an

estimate of the precise number of bales that might be affected but we do know that there is a very substantial increase in blending, which has resulted in the loss of a part of the market for cotton.

And this blending is accomplished in such a way that it is impossible for the layman and sometimes even for the technician, by feeling the dress to determine the fiber or fibers present in the material.

We feel that those consumers who now buy blended products would not do so if the product were labeled to show that it contained rayon.

Mr. MACK. I want to see that I perfectly understand this legislation myself.

When Mr. Lynn was on the stand he said, I believe, that H. R. 469 would cover an area that is not presently covered by the Wool Products Labeling Act. That it would extend to some wool items including carpets and rugs which are presently exempted from the Wool Act.

Mr. YOUNG. That is correct; yes. The Wool Products Labeling Act exempts carpets, rugs, mats, or upholstery.

H. R. 469 covers all textiles not covered by the Wool Act. Therefore, it would cover the labeling of those four wool items that I mentioned.

Mr. MACK. Are there any questions, Mr. Jarman?

Mr. JARMAN. Mr. Chairman, my question would be an inquiry of the chairman.

Is it your position that the Wool Act should be repealed and all of it included in one piece of legislation?

Mr. MACK. That is right, so as to have uniform coverage.

Mr. JARMAN. And it is something you feel would not be accomplished by the passage of the Smith bill, H. R. 469? That is what I am a little in doubt about.

Mr. MACK. I think both bills have the same goal, that the Smith bill is more limited in nature, and my bill gives similar treatment to wool and cotton.

Mr. JARMAN. Thank you.

Mr. MACK. Mr. Alger.

Mr. ALGER. I would like to hear your comment on this: Why Mr. Smith did not include wool coverage or if you are against including the coverage of wool or whether you think that is unnecessary?

Mr. MACK. I wonder if we cannot direct our questions at the present time to the witness, Mr. Young. And it is possible that we will have Mr. Smith testify again at a later time.

Mr. ALGER. Is there any objection, so far as you see, to covering wool also?

Mr. YOUNG. In H. R. 469?

Mr. ALGER. The Smith bill, let us say. Is there any reason why that can't cover wool or would you be against that?

Mr. YOUNG. No, sir. If that is the way the wool industry would like to have it, or this committee, or the Congress, we have absolutely no objection.

We felt that wool was already covered by the Wool Products Labeling Act. Furthermore, according to some of the groups that are interested in wool, there was one principal problem that needs attention. This had to do with the labeling of reprocessed or reused wool.

There were certain groups in the wool industry and outside that deal with wool products who felt that those terms were objectionable. The

woolgrowers did not so feel. They did not share that. They wanted the wool bill left just like it was.

There was no way in which a compromise could be reached on that question.

We went into this question that you raise with the wool industry.

Since the wool industry could not agree on the question of how reprocessed and reused wool should be handled, we did not feel that we wanted to become involved in that question because it is a problem of the wool industry.

Mr. ALGER. I appreciate that, Mr. Young. I do have some questions on the difference between cotton and wool and why you are covering wool in one bill and not in the other.

It might be better deferred. Are we going to hear from the wool industry?

Mr. MACK. The Chair feels we will have witnesses from all of the industry before we finish. And certainly, several of the witnesses will state justifications for the differences in the two bills.

Mr. YOUNG. In addition to the wool question, in H. R. 5605, there is another matter with which we are primarily concerned. That has to do with the requirement that fibers present in a product in amounts between 20 and 80 percent need only be named rather than being shown as a percent.

We feel that this is a deficiency which needs correction.

Mr. JARMAN. Just one short question: What is the practice now as to the requirements for a label on reprocessed or reused wool? Is that labeled as such at the present time?

Mr. MACK. It is my understanding that the Wool Act requires that reprocessed and reused wool be identified as such on the label. I am sure that is correct.

Mr. JARMAN. Thank you.

Mr. MACK. Here is the definition in the statute that requires that.

Mr. JARMAN. Thank you very much.

Mr. MACK. Mr. Young, I understand that you prefer to have the labeling done on a percentage basis, whether 100 percent or on down in percentage, down to 5 percent, I believe.

Mr. YOUNG. Yes. We feel there is an awful lot of difference in quality in a blend containing 49 percent rayon and one containing 21 percent rayon.

And under H. R. 5605 a blend containing 49 percent rayon and one containing 21 percent rayon would be labeled identically. A product containing 29.9 percent rayon and one containing 79.9 percent rayon would be labeled cotton-rayon or rayon-cotton, respectively.

Mr. MACK. In the order of predominance.

Mr. YOUNG. Yes. But under the predominance clause, consumers would still not know the nature of the product unless they were thoroughly familiar with the legislation.

Mr. MACK. In other words, you would be doing the same thing except you would be doing to a greater degree in the marking the percentage or the amount of any material.

Mr. YOUNG. It would be full and complete disclosure of the fiber content of the fabric; yes, sir.

Mr. MACK. There is some question of administration of this act to be done by the Federal Trade Commission.

Mr. YOUNG. Yes.

Mr. MACK. It might be that that method would make it more complicated and more difficult for them. Continuously, they would be measuring the amount of fiber in any product.

Mr. YOUNG. That is what the Wool Act now requires, sir. We have discussed it with them, and they have not raised any question about any additional difficulties which they would encounter in administering this act—H. R. 469—with reference to percentage, as compared to H. R. 5605.

Mr. MACK. I want to ask you about a third point.

Mr. YOUNG. I think the Federal Trade Commission prefers H. R. 469 because they feel that it is a more complete disclosure and gives an opportunity for less misunderstanding than if the percentage were not disclosed.

Mr. MACK. As the third point in favor of H. R. 469, you mentioned that under H. R. 5605 and 6524—

manufacturers could be required to prove that the minor discrepancies in the fiber content in a fabric from that shown on the label were due to unavoidable variations in manufacturing process.

H. R. 469, you said—

provides that manufacturers shall not be charged with misbranding for unavoidable variations.

Mr. YOUNG. Yes, sir.

Mr. MACK. That is drawing a fairly fine line.

Mr. YOUNG. We don't think so, sir. H. R. 5605 says—

that deviation of the fiber content of the textile fiber product from percentages stated in the advertisement, representation—

or what have you—

shall not be falsely or deceptively advertised under the section if a person charged with false or deceptive advertising proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care—

and so forth.

Let me give you an example. If the label showed that the fabric was 20 percent rayon and 80 percent cotton, and if by analysis it was revealed that that garment did not have 20 percent but had 20.1 percent rayon and instead of having 80 percent had 79.9 percent cotton, under this bill, the Federal Trade Commission could charge deception to the manufacturer and he would have to prove that that amount of variation was unavoidable.

We do not represent that the Federal Trade Commission would administer the law that way. As a matter of fact, they do not do that in the Wool Act, although the Wool Act contains the identical provision as H. R. 5605.

But the Congress has granted to the Federal Trade Commission the authority to call on manufacturers for very minor deviations, a tenth of a percent or one-hundredth of a percent, any deviation.

We just think that it is much better to recognize the fact that some deviations are unavoidable and provide for it in the legislation instead of leaving it up to the executive branch charged with the administration of the law, to decide whether there should be such.

Manufacturers could be harassed. They are not. We do not so charge, but they could be.

The Federal Trade Commission has adopted a very reasonable basis for interpreting that provision in the Wool Act. But we think that it is just better legislativewise to spell it out.

It is not a big item. But we feel that it is an item that possibly could be of importance.

Mr. MACK. You say you spell out the tolerance in H. R. 469?

Mr. YOUNG. We would suggest that the Federal Trade Commission be required to have a tolerance, that they be permitted to set up a reasonable tolerance.

It is a very minor point, Mr. Chairman, in terms of drafting.

Mr. MACK. That is the reason I brought it out.

Mr. YOUNG. It could however, be a big point. But it could be corrected very simply. If 5605 just provided for that problem to be handled as the Federal Trade Commission is now handling it, then the objection that we raise would be overruled.

Mr. MACK. I would like to discuss the first point just briefly. As I understand it that has to do with cloth being sent to a manufacturer who is going to manufacture the clothes? It seems to me as if the material should be labeled at that point as it is in interstate commerce going to manufacture.

Mr. YOUNG. H. R. 469 does provide that the cloth shipped from the maker of the cloth to the garment manufacturer be labeled. Let me illustrate it. A thousand bolts of cloth is ordered by a garment manufacturer. It is 100 percent cotton. Under H. R. 5605, a tag or stamp or label or something would have to be attached to each of the thousand bolts of cloth as to 100 percent cotton.

Under H. R. 469, the invoice would cover the thousand bolts of cotton, because it would have a certification on it that the cloth was 100 percent cotton.

Under H. R. 5605, each product would be identified, each of the thousand bolts would have to be individually identified.

Mr. MACK. It seemed to me it was a little confusing because following the first statement you said:

Under the provisions of the bill individual products would be labeled only in the form intended for the ultimate consumer.

Mr. YOUNG. That is right.

The language is not clear. But the product itself would not have the label on it. It would be identified by the invoice.

Mr. MACK. Thank you very much.

Mr. YOUNG. Thank you.

Mr. MACK. Our next witness is Edwin E. Marsh, executive secretary of the National Wool Growers Association. Now I think we can have some of our questions answered concerning wool.

STATEMENT OF EDWIN E. MARSH, EXECUTIVE SECRETARY, NATIONAL WOOL GROWERS ASSOCIATION

Mr. MARSH. In order to save the time of the committee I will read our statement and with your permission I will add one very short statement to the testimony.

Mr. MACK. You may have whatever time you require, sir.

Mr. MARSH. Mr. Chairman and members of the committee:

My name is Edwin E. Marsh. I am executive secretary of the National Wool Growers Association, with headquarters in Salt Lake City, Utah.

Our organization, for the past 92 years, has been the spokesman for the ranchers and farmers who grow sheep, lambs and wool in the United States.

Our membership comprises most of the growers in that area of the United States which presently accounts for 74 percent of the Nation's shorn wool production.

Our organization endorses H. R. 469. It would assure consumers of all textile fiber products, benefits and protection similar to those which they have enjoyed for the past 17 years under the Wool Products Labeling Act.

We believe that consumers are entitled to proper labeling of all textile fiber products to guide them in their purchases.

H. R. 5605, however, is a bill which we cannot endorse and one to which we are unalterably opposed. This bill would repeal the very beneficial Wood Products Labeling Act which has been protecting consumers of wool products from its inception in 1940.

The Wool Products Labeling Act became law only after many years of effort on the part of our association and other agricultural and industry organizations.

In fact, the idea of setting forth the truth in the labeling of fabrics was before Congress for about 30 years before the Wool Products Labeling Act became law in 1940.

The Wool Products Labeling Act requires products containing wool (with certain specified exceptions) to be labeled to show the percentage of new wool, reprocessed wool, reused wool and any other fibers present.

Reprocessed wool is derived from certain wastes and swatches accumulated in textile manufacturing, plus new scraps and clips from garment manufacturers and tailors none of which have ever actually been used. These are then ground up—I want to emphasize the words “ground up”—into a fibrous state and converted into yarns and knitted and woven fabrics.

Reused wool is wool that has been previously used by consumers and then ground up and remanufactured into a woven or knitted product. It represents ordinary used rags collected by rag dealers who sort these old rags according to the type of goods, their color and their weight. These rags then go to a shoddy mill or are processed by the textile manufacturer using them.

We assume that H. R. 5605 has been introduced at the request of industry organizations desiring to eliminate the requirements that products containing reprocessed wool or reused wool must be so labeled.

They want all of it labeled simply as “wool.” At least, that is one of the reasons why the groups supporting this legislation are desirous of its passage, although the preamble of the bill states that one of the purposes of the legislation is to protect consumers against misbranding of textile fiber products.

Certainly there is a place in the market for fabrics containing blends of reprocessed or reused wool, and if such materials are fairly

priced, and if such blends are as worthy as their proponents claim, we believe they will sell and continue to sell.

We merely state that they should be adequately and properly labeled so that their performance can be rightly judged.

In order to understand this problem it is necessary to consider for a moment the nature of wool. Wool scientists tell us that each individual wool fiber has an outer protective coating like the bark of a tree. These outer scales slip in and out like the parts of a telescope, allowing the fiber to be stretched to 30 percent of its length and then returned to its original dimension.

This characteristic provides a resiliency that is reflected in fine tailoring. The inner portion of the fiber is composed of countless individual cells that are interlaced and which slip in and out like the leaves of a spring when the fiber is bent.

This characteristic provides a resistance to wrinkles. Furthermore, as the individual fibers are worked together in the manufacturing process, the individual outer scale formations interlock in such a manner as to entrap countless thousands of minute air spaces, which provides wool with its unusual thermal qualities.

Now, when wool fibers are ground up into a fibrous state to form reprocessed or reused wool, the scale formation, the inner cells and the fibers themselves are inevitably broken, damaged, frayed, and weakened.

Therefore, such reprocessed or reused wool is inevitably poorer in performance than the new wool from which it was originally obtained.

The conclusion cannot be escaped that the fundamental difference between new wool and previously manufactured and used wool is the fundamental difference between new and previously used materials of like grades and qualities; just as a new Cadillac is better than a second-hand Cadillac and a new Chevrolet is better than a second-hand Chevrolet.

I would like to tell you of a test that I heard about in a telephone conversation yesterday, that was made in the laboratory of Forstmann Woolen Co. in which a fabric made of new or virgin wool was tested along with a fabric made of reprocessed wool.

In the abrasion resistance test, that is, the test to determine the resistance to rubbing before the fabric would break through or before a hole would be developed in the fabric, the one made of reprocessed wool had a little less than one-fifth of the abrasion resistance of the fabric which was made of new wool.

Had this second fabric been made of reused wool instead of reprocessed wool, its resistance to abrasion or to breakage would have been further reduced.

Claims were made last year by those attempting to repeal these labeling requirements that wool rags are being shipped from the United States to foreign countries, are made into wool fabrics and are shipped back into this country represented as products containing new wool.

We seriously doubt that such a receptive practice is widespread. If it is, then the Federal Trade Commission should certainly investigate and bring charges. The statement that there are no known laboratory methods for determining the presence of reprocessed or reused wool present in any wool product has been contradicted by J. R.

Moller, former Chief of the Bureau of Animal Husbandry, United States Department of Agriculture.

In a letter addressed to your committee on March 18, 1939, and included in the record of the hearings on the Wool Labeling Act, Mr. Moller, replying to questions which the committee asked him, wrote in part as follows:

The percentage of virgin wool and reworked wool in a fabric may be determined. Based upon the Bureau's research with microscopical methods upon fabrics of known fiber content in which only new and reworked wool are present, the content of reworked wool or virgin wool may be detected within 10 percent.

The claim that the public is being deceived by mislabeled imports is no grounds to repeal provisions of the Wool Products Labeling Act, thus paving the way for greater deception than may now exist.

In conclusion, we should like to call your attention to these important facts:

1. The consuming public without the requirement for labeling of reused and reprocessed wool would be deceived into thinking they were buying a product made of new wool and, following poorer service, could become alienated to wool.

2. The manufacturer who uses new wool should be protected against unfair competition from manufacturers using reprocessed and reused wool.

3. The elimination of reprocessed and reused labeling requirements could reduce the use of new wool and weaken the domestic wool market.

The 92d annual convention of the National Wool Growers' Association, held January 21 to 24 of this year, unanimously passed a resolution opposing any legislation which would repeal or change the Wool Products Labeling Act.

The main purpose of labeling legislation is to protect the consuming public from deception and fraud. We, therefore, respectfully urge that your committee not report out H. R. 5605, which, if enacted, would greatly cripple the public benefits and protection afforded by the Wool Products Labeling Act. As previously stated, we do endorse H. R. 469.

Mr. MACK. You made some reference to the Federal Trade Commission in your statement about prosecuting. Did you say the Commission should prosecute in cases where reprocessed wool is exported to England, sold to them, and reimported here as British wools or by the British?

Mr. MARSH. If I used the word "prosecute," perhaps I should not have done so.

Mr. MACK. You said that if this deceptive practice is widespread the Commission should investigate and bring charges. I was just wondering about the provisions that would come under.

Mr. MARSH. Certainly, the Federal Trade Commission would have jurisdiction in preventing an imported product deceptively labeled coming into the country with such a deceptive label.

Mr. MACK. That is the purpose of these hearings to determine what legislation is necessary to adequately protect the public interest.

Mr. MARSH. Yes, sir.

Mr. MACK. So in the case of deception it would involve that particular problem.

I have one other question. That is, I would like to inquire about bringing the cotton fabrics under the provisions of the present Wool Labeling Act. Do you have any opinion on that? Do you want to express an opinion? You infer that the present Wool Products Labeling Act is preferable to the Smith bill or the bill which I introduced, in that it would give the public more protection.

Perhaps we could have the same provision so far as cotton, that we have for the wool industry for its protection.

Mr. MARSH. Perhaps it would be a good idea. I do not know how much reused cotton goes into any product.

I do know that nylon is reused. And perhaps it could be so labeled. Certainly we would have no objection.

Mr. MACK. You think you would favor labeling any reused fiber?

Mr. MARSH. If it would mean further protection for the consuming public, I would say "Yes."

Mr. MACK. The reason that I asked the question is so that you would express an opinion as to whether or not it would protect the public. And you have inferred that in the case of wool that it is protecting the public interest.

Mr. MARSH. Yes.

Mr. MACK. I thought you might follow through and say in the case of all fabrics or all textiles that it would protect the public interest?

Mr. MARSH. I believe it would.

Mr. MACK. I did not mean to answer your question for you, but your answer was somewhat confusing to me and I do appreciate your answer.

Do members of the committee have any questions?

Mr. BENNETT. Under the present Wool Products Labeling Act, if a manufacturer or a producer of a wool garment uses wool previously used, he has to label the percentage of wool, the same as if he were using new wool.

Mr. MARSH. That is correct, sir.

A garment containing 40 percent new or virgin wool might contain 60 percent reused or reprocessed wool. It would have to be so indicated on the label.

Mr. BENNETT. If it said "wool," would that imply that it is new?

Mr. MARSH. That is right.

Mr. BENNETT. Do both bills that the committee is considering repeal this provision in the Wool Act or is it only Mr. Mack's bill?

Mr. MARSH. Just H. R. 5605 and the other bill, H. R. 6524, which I understand is identical. H. R. 469 does not.

Mr. BENNETT. You feel removing the requirement that reused wool be so designated would be a serious detriment to the public?

Mr. MARSH. Yes, I do. I think it would be very serious so far as the public is concerned.

Mr. BENNETT. You have gone to quite a great length to compare the difference in quality between new wool and reused wool. Are your conclusions generally accepted by the industry, and are they accepted by the Federal Trade Commission?

Mr. MARSH. I am quite certain that they are. I believe them to be generally accepted by wool technicians. You will have a further witness, I believe, next week, who can verify those statements.

Mr. BENNETT. As I understand it, the Federal Trade Commission act now provides penalties for fraudulent or deceptive advertising, irrespective of the Wool Act.

If a person by labeling as "new wool" something that was reused, would he not be guilty of an unfair practice under another section of the act if this were repealed? Would there not still be that general protection under the law?

Mr. MARSH. Not that I know of. I think under the legislation which is proposed in H. R. 5605 that the product could be labeled simply as "wool", whether reprocessed or reused or new wool.

Mr. BENNETT. That would not be regarded as deceptive advertising?

Mr. MARSH. No, not under the proposed legislation, as embodied in H. R. 5605.

Mr. BENNETT. You are only opposed to legislation that proposes the repeal of the Wool Act?

Mr. MARSH. Yes, repeal of the present Wool Products Labeling Act. We have no objection whatever to all textile fibers being properly labeled.

Mr. BENNETT. If the provisions of the Wool Act were rewritten in Mr. Mack's bill you would not be opposed to that, either, I take it?

Mr. MARSH. Do you mean if reprocessed and reused wool would still have to be so labeled?

Mr. BENNETT. Yes.

Mr. MARSH. We would have no objection then.

Mr. BENNETT. You represent the wool people?

Mr. MARSH. The National Wool Growers Association.

Mr. BENNETT. What about the Wool Producers Association, will they testify or are they in agreement? Isn't there a wool producers' association as distinguished from this association?

Mr. MARSH. There is the American Sheep Producers Council which is the promotional organization set up under the provisions of the National Wool Act of which some of our members are directors.

But I don't believe they are going to testify. They are strictly a promotional organization and take no part in legislation.

Mr. BENNETT. Is the Wool Manufacturers Association in agreement with your position?

Mr. MARSH. They were not last year.

Mr. BENNETT. Do you know whether they are this year?

Mr. MARSH. No; I haven't heard.

Mr. BENNETT. That is all, thank you.

Mr. MACK. Mr. Jarman and Mr. Alyer, any questions?

Mr. JARMAN. The question I would have would be in line with the comments Mr. Bennett made.

Mr. Marsh, you say that the wool manufacturers are not in agreement with your position?

Mr. MARSH. They were not last year.

Mr. JARMAN. Mr. Wilkinson testified to the subcommittee last year, stating the position of the National Association of Wool Manufacturers as being—and I will quote in part:

The situation is one of great confusion. In that light it is the policy of the association that if it is believed to be in the consumer's interest to require fiber identification on the textiles consumer products, it is further in the consumer's interest and the industry's interest that all fibers be under the same rule. There is great need for codification.

We believe that codification should deal with all consumers' textiles and fibers and put them on an equal basis.

Then Mr. Wilkinson goes on to endorse H. R. 1185, which was the Priest bill in the last session, and an all-inclusive bill, as I understand it.

Mr. MARSH. Yes. We have no objection to codification if all fibers are treated alike and are treated as the Wool Products Labeling Act now treats wool, with the reprocessed and reused fiber labeling requirements.

Perhaps, I should say that the National Association of Wool Manufacturers took a position opposite to ours last year. I do not think that all wool manufacturers agreed with that position, however.

Mr. MACK. You wish to state that all of the woolgrowers agree with you position—or most of them do?

Mr. MARSH. I would say all of them. I do not know of any who have reason not to agree with it because repeal of the Wool Products Labeling Act would mean the use of less new wool which would be to the detriment of the woolgrowing industry.

Mr. MACK. Any further questions, Mr. Jarman?

Mr. JARMAN. I think this question would be the only question I have.

I noted in the testimony the comments the Wool Products Labeling Act does not cover advertising; that the rules promulgated by the Federal Trade Commission do, but the Wool Products Labeling Act does not.

I was wondering if your bill, Mr. Chairman, reaches into that field.

Mr. MACK. Yes, it does cover false advertising.

Mr. JARMAN. Thank you.

Mr. MACK. Do you have any questions?

Mr. ALGER. Just briefly. To recapitulate and to try to make it clear, do you believe that the Wool Labeling Act plus the Smith bill would cover this?

Mr. MARSH. Yes.

Mr. ALGER. Or the Mack bill if we included all of the provisions of the Wool Labeling Act?

Mr. MARSH. That is correct.

Mr. ALGER. That would cover it?

Mr. MARSH. Yes.

Mr. ALGER. And then we have a difference between your group and the wool manufacturers which no doubt we will hear about. Is that correct now, Mr. Chairman?

Mr. MACK. I think that is correct.

Mr. MARSH. Not all of the wool manufacturers.

Mr. ALGER. But the majority of them.

Mr. MARSH. The National Association of Wool Manufacturers. There are some wool manufacturers who are not members, I believe.

Mr. ALGER. You feel that the present Mack bill, as I get it would repeal the Wool Labeling Act and would lose ground for the labeling that has been worked out these many years in wool?

Mr. MARSH. Yes, very definitely it would.

Mr. ALGER. That is all. Thank you.

Mr. MACK. Do you feel that to repeal the Wool Labeling Act and to bring it under the broad coverage, whereby you eliminate the addi-

tional provisions concerning the reused and reprocessed wool, would substantially affect the market, so far as wool is concerned?

Mr. MARSH. We feel that it certainly would have a substantial effect on the market if through it there was a reduction in the use of new wool.

Mr. MACK. That was my question. Do you feel that eliminating the labeling of reused and reprocessed wool would reduce the consumption of wool generally in the country?

Mr. MARSH. I do not think there is any question but what it would reduce the use of new wool.

Mr. MACK. I have no further questions. Thank you for your testimony here this morning.

Mr. MARSH. Thank you, Mr. Chairman.

Mr. MACK. Our next witness will be Dr. Jules Labarthe of the National Retail Dry Goods Association.

STATEMENT OF DR. JULES LABARTHE, NATIONAL RETAIL DRY GOODS ASSOCIATION

Dr. LABARTHE. Mr. Chairman, I want to thank you very much for the opportunity of testifying here this morning.

My name is Jules Labarthe. I am administrative fellow in charge of the Commodity Standards Fellowship at Mellon Institute which has been maintained there by the Kaufmann Department Store of Pittsburgh for the past 27 years.

I am appearing before your honorable committee today on behalf of Textile Fiber Products Representation Act, H. R. 5605, in my capacity as representative of the National Retail Dry Goods Association and chairman of their technical committee.

A bill requiring the true identification or representation of the fiber content of fabrics and garments is distinctly in the interest of the consumer.

The ultimate consumer will benefit through reducing the confusion of textile product names, through greater serviceability of products achieved through more information as to the fiber content, and protection against deception.

The textile products today are so complex in composition and so varied in texture and appearance that, lacking laboratory facilities, one cannot ascertain with accuracy the fibers of which the product is composed.

To the ever-growing list of new fibers being presented to the public we have a veritable flood of fabric names of proprietary value to the individual producers.

Confusion arises in the consumer's mind as to what is new fiber and what is a new fabric name.

To illustrate this I should like to mention a telephone call I received in my laboratory just a few days ago when a woman called Mellon Institute and asked:

"What is this new fiber, cortisone, I have been reading about?"

As politely as I could I explained to her that cortisone was a product used in treating arthritis and probably she had it confused with fortisan which is, of course, a high strength rayon and is therefore subject to the same disadvantages but possesses the same positive features of advantage to the consumer possessed by other cellulosic fibers.

The consumer would be guided and aided if to these proprietary names there was the added requirement that the identity of the fibers be disclosed in their order of predominance as is provided for in H. R. 5605.

Touching upon the point I made of the increased serviceability resulting from greater knowledge, I should like to point out that one of the most common causes of consumer returns of merchandise is damage resulting from washing or ironing by methods too severe for one or another of the fibers present in the fabric.

If the consumer knew that the fabric contained a fiber incapable of withstanding a hot iron, she would use a cool setting in order to avoid glazing or actual melting of the more thermoplastic fiber.

Similarly, certain of the fibers are damaged by the usual household bleaches, others may be damaged by exposure to such mild acids as perspiration, some fibers are markedly weaker when wet than when dry and their presence in the fabric will guide the customer in her washing operation in order to avoid the more severe kinds of strain and distortion.

Admittedly, the disclosure of the fiber identity in the fabric will not tell the customer how long it will last, and it will require some efforts on the part of the ultimate consumer to know certain fundamental facts about these fibers so as to know how best to care for each type.

This bill provides some protection against deception in the promotion of fabrics and garments. For example, one of the very important synthetic fibers, nylon, is a common additive for increased fabric durability.

When combined in sufficient quantity, usually a minimum of 20 percent by weight, with such fibers as cotton, rayon, and wool, nylon is the most wear or abrasion resistant of our textile fibers.

Certain of our less ethical manufacturers are putting in insignificant quantities of nylon, as low as 3 to 5 percent, and on their labels are making the same claims and heavily accenting the presence of nylon in the blend or combination, as do the manufacturers having a sufficient quantity of the fiber to achieve their purpose.

H. R. 5605, therefore, requires that when any fiber is used for any special purpose in quantities less than 20 percent that the percentage of all fibers in the fabric be disclosed.

In order to simplify the problem faced by producers, H. R. 5605 merely requires that the fibers be listed on the label tag or other sales information device in the order of their predominance in the finished goods, except for the previously referred to 20 percent minimum.

Ideally, perhaps, the percentages of all blended and combined fabrics should be given. However, it is my personal belief that to do so would encourage the battling of trivia as far as label information is concerned.

Suppose, for example, in a season of summer-weight fabrics dacron were to prove to be the most exciting news for promotional purposes, one might expect to find different manufacturers battling and offering blends of 60 percent wool, 40 percent dacron; 50 percent wool, 50 percent dacron; and so forth, whereas for all intents and purposes the differences would be insignificant as far as aiding the consumer.

One feature of this bill, H. R. 5605, provides more relief to textile producers and distributors than it does to the consumer.

It is felt that in considering the passage of this bill that Congress should consider the unification of textile legislation to cover all fibers in one law, thus permitting the textile industry to operate under one set of rules rather than Federal legislation dealing with one fiber (the Wool Products Labeling Act) and a collection of Federal Trade Commission regulations applying to products derived from other fibers.

The isolation of one fiber from all others as requiring special legislation because it appears in commerce as "new, reprocessed, or reused fiber" would tend to discriminate against it unjustly, for other fibers, including the synthetics, are currently being identified as "virgin nylon," for example, to distinguish between that and unlabeled and possibly reused nylon.

As difficult as it is to arrive at more than an estimate as to the relative quantities of new, reprocessed, or reused wool in a fabric composed entirely of wool fiber, it is impossible to distinguish between new and reused nylon fibers and probably it will be equally impossible to distinguish new and reused fibers of any of the synthetics.

We believe the Federal Trade Commission can be entrusted to prepare the playing rules under which such basic legislation such as this might be carried out.

The important thing is to have a fiber-identification law to benefit the consumer, and I assure you that the National Retail Dry Goods Association, though preferring the content of H. R. 5605, will be willing to compromise on the preparation of revised legislation as long as the interest of our customers, the consumers of America, are protected.

We prefer mandatory labeling but recognize some problems may arise which might lead to the consideration of legislation on a permissive basis; that is, that any product referring to the presence of any fiber be accurately labeled.

However, I personally think that truth in advertising legislation adequately protects the consumer against this kind of misrepresentation.

The NRDGA recognizes also the possibility of further exemptions from mandatory fiber identification, but as a technician I firmly believe that all important end products of textile fiber composition should be included if the consumer is to benefit.

Gentlemen, I have just one other brief comment to make and that is this:

Mellon Institute and the Kaufman Department Store of Pittsburgh have permitted me unusual latitude in my contacts with individual groups making up the consuming public.

It is interesting to note that the same questions, the same wants, and the same desires in textile merchandise appear in the urban population as in the rural.

Admittedly, our city population contacts have been largely in and around the Pittsburgh area and, through the last 20 years, I and other members of the fellowship staff have averaged between 25 and 30 lectures each fall, winter, and spring before women's clubs, men's service organizations, and other public gatherings.

Our laboratory telephone seems to us to ring incessantly and some 30 to 40 telephone calls a day are referred to us for an answer, the majority of them dealing with textile problems.

In addition to our speaking contacts and our question-and-answer periods for Pittsburgh region audiences, it has been my privilege to participate in the county extension program of 15 counties in western Pennsylvania eastern Ohio, and northern West Virginia.

In recent years I have participated in the programs of many of our land-grant farm and home week programs on at least one occasion.

The colleges I have visited include the University of Maine, University of Connecticut, Pennsylvania State University, Cornell University, the University of Alabama, Ohio State University, the University of Illinois, Purdue University, Michigan State University, Oklahoma A. and M., Texas A. and M., Iowa State College, Washington State University, the University of California, and Kansas State College.

Admittedly, the pleas not only of the individual housewife, but also of the agricultural extension specialist has been for more information about textiles, fiber identity as well as information about service and about methods of cleaning. And in the minds of all of them is this great confusion as to what kind of material is used in the textile products they buy.

This great group of extension specialists, not only the housewife, need and want more information about textile products.

I apologize to the others here this morning for not having more copies of my prepared statement. The committee has it. You gentlemen were much more solicitous than I was in having copies.

Thank you very much.

Mr. MACK. I would be interested in hearing your views on the repeal of the Wool Products Labeling Act as to what protection there would be under my bill so far as reused and reprocessed wool is concerned.

Dr. LABARTHE. I feel, sir, that could be adequately taken care of, to make perfectly sure that all necessary regulations for the protection of the consumer were made a part of the Federal Trade Commission regulations under which this act was administered.

In that connection, I think there should be some further clarification of the serviceability of new wool compared to reprocessed and reused.

I think the previous witness used a rather unfortunate wording when he said that wool is ground up to produce another fiber for use. It is actually very carefully or as carefully as possible put back in the fiber form. It is not ground up like sawdust. The producer actually tries to get as fine a fiber of reprocessed wool as is possible to achieve.

Another factor that I think many consumers overlook is that there are many grades of new wool and of reprocessed wool.

Reprocessed wool is most serviceable in many instances. Reprocessed wool from rags, et cetera, that had very little mechanical action, have good durability. It is a highly controversial matter.

I agree with the previous speaker that if no type of protection is given to new wool that there might be some difficulty. I think, however, that the Federal Trade Commission could take care of that particular hole.

MR. BENNETT. What about the consumer? Would he get less protection if you delete from the law that which requires the labeling of wool as being new or used?

DR. LABARTHE. The consumer would probably lose some protection if there were no distinction between the several types of wool.

But again I want to state that the consumer does not get as much protection as he thinks he gets now since there is such a deviation in grade between reprocessed wool and new wool.

All in all, the best protection that the consumer can get is accurate information in terms of the manufacturer's product and the serviceability that she has become accustomed to.

MR. BENNETT. You think the provision should be repealed—that it has been a burden in the marketing of reused wool?

DR. LABARTHE. No, I don't think there would be any additional burden, because I think that for your quality fabrics and fabrics that the consumers are going to want, they will be of new wool. They will be of new wool and reprocessed wool or of wool blended with synthetics.

MR. BENNETT. I assume that one of the principal reasons why that provision was put in was for the protection of the consumer, to give him the benefits that he would otherwise not have.

So I think it is important for the committee to know whether the protection is actual or whether it is more of a supposition.

DR. LABARTHE. There is some protection, sir, but the protection is, as I said before, not as great as one would think.

In other words, it is not such as examining of the fabric would show because it simply contains some reprocessed wool.

MR. BENNETT. You do not think that elimination of the provision would lead to any abuses that do not now exist in the use of reused wool in fabrics?

DR. LABARTHE. What kind of abuses?

MR. BENNETT. I do not know. I am just asking.

DR. LABARTHE. As it is now, the fabrics made of wool, reprocessed wool or reused wool, must necessarily bear the percentage they contain.

I think that the same consideration should exist, or could properly exist under this bill, under the Federal Trade Commission regulation.

This would seem to be necessary. I think the whole thing might be reappraised.

Another thing we must recognize is that when this wool labeling bill was first brought about, there was not nearly as much attention given to special finishes of wool as there is today.

Much of our wool fabric today is made crease resistant by certain methods, containing nonwool constituents in the way of synthetics which do not have to appear on the label.

MR. BENNETT. Do you think that the requirement for the labeling of wool; namely, that it be labeled as to whether it is new or reused, ought to be put in other fabric legislation, as, for example, cotton?

DR. LABARTHE. I do not know of any reused cotton. I don't think cotton would lend itself to a reweaving process. It is true that nylon and to some extent dacron are appearing. It is impossible to distinguish between the two.

Reprocessed nylon would be just as good as nylon, if it is spun as carefully.

Mr. BENNETT. Should it not apply to nylon?

Dr. LABARTHE. Yes.

Mr. BENNETT. And any other synthetic?

Dr. LABARTHE. If it will protect the consumer. I don't know of any reason why reprocessed nylon should not be as good as the original nylon if the spinning is accomplished as carefully.

Mr. BENNETT. Do you think it would be protecting the consumer?

Dr. LABARTHE. Not in the case of nylon.

Mr. BENNETT. You do not think so?

Dr. LABARTHE. No.

Mr. BENNETT. What about other synthetics?

Dr. LABARTHE. Wool, yes, it probably would.

Mr. BENNETT. What about other synthetics?

Dr. LABARTHE. The only other one that I know of that is appearing in reused form at all is dacron. Again, I do not know how you can distinguish between the two, the new and the reprocessed.

So far as that is concerned you cannot even identify the two.

Mr. BENNETT. It would not do any harm to the consumer's interest to have it labeled as "used" or "new"?

Dr. LABARTHE. It would not do any harm, sir; no.

Mr. BENNETT. Would it do any harm to the manufacturer?

Dr. LABARTHE. Well, it might, in a sense, harm the original producer of nylon in that it would introduce another source of nylon fibers.

Mr. BENNETT. I think what we are all interested in is to see that the consumer is protected. And, of course, at the same time we do not want to put something in the law that will make it unnecessarily burdensome or onerous to the industry that produces these fibers, whether synthetic or otherwise.

Dr. LABARTHE. Yes, sir.

Mr. BENNETT. That is all I have.

Mr. JARMAN. I have no questions.

Mr. MACK. Mr. Alger.

Mr. ALGER. No questions.

Mr. MACK. What is reprocessed wool, how is that used in the industry?

Dr. LABARTHE. Beg pardon, sir?

Mr. MACK. How is reprocessed wool used in the industry?

Dr. LABARTHE. Well, there are certain fabrics that are made very largely of reprocessed wool. That is, wool which has never been worn by a person. It is wool that is received from cuttings from the factory, from the cuff lengths that are cut off of men's pants, et cetera.

Mr. MACK. Manufactured wool?

Dr. LABARTHE. It has never been worn but it has been in a fabric form or in a yarn form. As such, it has not had as much physical deterioration as if it had been subjected to prolonged wear and exposed to dirt, grime, perspiration, and frequently used and so on.

As such that wool can be very good. As I said, some grades of some reprocessed wool are actually better than some of the poorer, cheaper of the new wools.

Many fabrics you will find in many suitings will have on them a label saying a certain percentage of new wool—they usually say 10 percent wool and a certain percentage of the reprocessed wool.

Some fabrics require reused wool in them. They are better nap fabrics for having some reused wool because that lends itself to napping better than the new wool does.

Mr. BENNETT. As I recall it when the Wool Labeling Act was passed, your association was very much in favor of the provision requiring the labeling to show whether the wool was new or reused.

Did not the NRDGA suggest the provision for the labeling requirement for reused wool?

Dr. LABARTHE. I do not know, sir. I was not with the association at that time. I do not recall whether the association took a strong stand on that or not.

I assume that they would. I knew they were much interested in it.

Mr. BENNETT. If they did take that position, have they now changed their mind? It is the drygoods association that you represent, is that true?

Dr. LABARTHE. Yes. I want to make this point clear, sir: In asking for the repeal of the Wool Products Labeling Act it is to provide a method whereby all textiles can come under one law. Any necessary provisions of the Wool Products Labeling Act which are necessary from the standpoint of consumer protection should then be incorporated into the rules under which this act is carried out.

In other words, the Federal Trade Commission, I think, should be the logical one to include any such necessary steps for grades or anything else.

Mr. BENNETT. Don't you think that would be a fair way to handle law?

Dr. LABARTHE. That could be a compromise. We would welcome to have that incorporated into the present bill, or any one of these bills. We felt that the one package was a desirable one.

I cannot personally see how the wool industry would be inclined to welcome two sets of rules. Those making dress goods and suitings would come under the Wool Products Labeling Act and those making upholstery material, et cetera, would come under H. R. 469.

Mr. BENNETT. The thing we are interested in primarily is truth in advertising, so that the consumer can see by looking at the label what he is buying.

Dr. LABARTHE. Yes, sir; he wants protection.

Mr. BENNETT. If he is buying a fabric that is made from reused fiber, even though such fiber is as good as the new fiber, it seems to me from that standpoint the consumer ought to be entitled to that information and let him decide for himself whether he would just as soon buy the reused as the new.

Dr. LABARTHE. That is true.

Mr. BENNETT. Don't you think that would be a fair way to handle it?

Dr. LABARTHE. That is a very fair way to handle it; yes, sir.

Mr. MACK. I understand that you are in favor of either bill?

Dr. LABARTHE. We are in favor—we have a preference, of course, for your bill, H. R. 5605, but we do not want to take an arbitrary stand. What we want is a workable piece of legislation which will protect the consumer. No matter which side it goes in this whole discussion, we want to be sure that our customer is protected.

Mr. MACK. I have one other question concerning the difference between the two bills, that is, the method of labeling the percentage of predominant material or fiber.

Dr. LABARTHE. Ideally, percentages would be better but from the standpoint of practicality, it is our feeling that it would be imposing an additional burden on manufacturers.

As a matter of fact, we are maybe a little oversolicitous of that in pressing for the predominance provision.

Mr. MACK. Thank you very much, Dr. Labarthe.

Dr. LABARTHE. Thank you.

Mr. MACK. We have one other witness this morning that we would like to hear before we recess and that is Mr. Kenneth M. Plaisted, executive secretary of the National Board of Fur Farm Organizations, Inc., from Milwaukee, Wis.

**STATEMENT OF KENNETH M. PLAISTED, EXECUTIVE SECRETARY,
NATIONAL BOARD OF FUR FARM ORGANIZATIONS, INC.**

Mr. PLAISTED. Mr. Chairman, I will submit our prepared statement for the record with one amendment, that would be incorporating any reference to bills H. R. 469, H. R. 5605, and also, I would like the statement to refer to H. R. 6524.

Mr. MACK. Your statement will be received and inserted at this point in the record.

(The statement is as follows:)

**STATEMENT OF KENNETH M. PLAISTED, EXECUTIVE SECRETARY OF THE NATIONAL
BOARD OF FUR FARM ORGANIZATIONS, INC., MILWAUKEE, WIS.**

Mr. Chairman and gentlemen of the the committee, my name is Kenneth M. Plaisted. I am appearing in the capacity of executive secretary for the National Board of Fur Farm Organizations, Inc., with offices at 152 West Wisconsin Avenue, Milwaukee, Wis. This organization represents the 7,000 fur farmers of the Nation who are engaged in the domestic raising of mink and fox.

My purpose in presenting this statement and appearing before this committee today is to acquaint you with the views of the fur farmers as they relate to the proposed legislation regarding labeling and advertising of textile fiber products. The fur farming industry is in favor of H. R. 469 or H. R. 5605 if adequately broadened to prohibit deceptive and misleading references to furs, fur products, and fur animal names by promoters of textile fiber products.

There has developed, particularly in the last year, the widespread and ever-increasing references to the words "fur", "mutation", fur animal names, and other terms common only to the fur industry, by certain promoters and advertisers of textile fiber products, which references we believe are deceptive and misleading to the consuming public. As an example consider the following quotations taken from consumer advertising media:

"A marvelous 'mutation', it's Mink, you think."

"Magnificent frauds! our black 'Persians'."

"Man-made fur" or "Fantasy 'Furs'."

"More like fur than fur itself."

"Why buy mink? . . . When you can have all the elegance of mink in our miracle Princeton's Mutation."

The word "fur" by Webster's definition is "a strip or piece of the dressed pelt of any of certain animals." "Mutation" is defined as "a change or alteration in form or color, the offspring differing from its parents in some well-marked character." In the Thorndike Barnhart dictionary the word "mutation" is defined as "a new feature that appears suddenly in animals or plants and can be inherited", "a new variety of animal or plant formed in this way".

The textile fibers, under no conceivable description, take on the appearance of animal hair or fibers. The continued use of such terms by the promoters of textile fiber products will not only result in the consumer public being deceived and misled, but the entire fur industry will be affected by the public's loss of confidence in anything that has any semblance of a fur product.

The Fur Products Labeling Act, passed by Congress in 1951, as a result of the recommendation of this very committee, and strongly supported by the fur

farmers has proved to be of inestimable benefit in the protection of the American consumer from deceptive and misleading advertising of fur products. The action taken by this committee and subsequently by Congress in the passage of the Fur Act is commendable. A fur garment can now be purchased with the assurance, under adequate policing, that the label on the fur garment denotes, among other things, its true country of origin, species, and if dyed, bleached or otherwise artificially colored. The Fur Act, however, by its definition, applies only to fur products made in whole or in part of animal skins; the act has no application to textile fiber products.

What is now urgently needed is the enactment of legislation which will prohibit the promoters of textile fiber goods from using terms and names that have no derivative relationship or generic basis whatever to their composition. This practice, we feel, is nothing more than an attempt by the promoters of fiber products to associate their commodity, in the mind of the consumer, with a fur product, thereby selling the merchandise, not on its own merits, but rather on the recognized excellence of the quality of fur and the superior craftsmanship which goes into the finished fur garment.

Rather than achieving the promoters' desired result of lifting the textile product up to the level of fur, promotion of this type can have only one effect and that is to cheapen mink and any other fur relied on as being likened to the synthetic product. In addition the consumer public is deceived in that it is buying something clearly unlike, in any respect, the product held out to it through advertising media.

The following is suggested as wording for an amendment to section 4 of either H. R. 469 or H. R. 5605:

"For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if the word "fur" or the name or symbol of any fur-bearing animal is used in the advertisement of such product unless such product or the part thereof in connection with which the word "fur", or the name or symbol of a fur-bearing animal, is used, is a fur or fur product within the meaning of the Fur Products Labeling Act: *Provided, however*, That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair" or "blend", may be used."

The above proposed language is not unlike many other provisions found in Federal legislation. As an example, the Federal Trade Commission Act, as amended, provides in section 15 (a) (1) that in the case of margarine, an advertisement is deemed to be misleading in a material respect if in any advertisement, representations are made or suggested by statement, word, grade designation, design, device, symbol, sound, or any combination thereof, that such margarine is a dairy product.

Likewise, it is provided in section 5 (a) (5) of the Fur Products Labeling Act that a fur product or fur shall be considered to be falsely or deceptively advertised if any advertisement contains the name of any animal other than the name of the animal that produced the fur.

We respectfully urge, therefore, that this committee recommend H. R. 469 or H. R. 5605 for passage, with adequate committee amendments, to prohibit the type of false and deceptive advertising practices as above outlined.

Mr. MACK. You may then proceed.

Mr. PLAISTED. Now, very briefly, gentlemen, those of you who were not in the committee last year when we appeared, let me say the fur farmers' interest in this bill is strictly one of consumer protection and does not have anything to do with fur.

We are interested in a textile bill, as such, which relates to the textile fiber products.

At the outset, I would like to say we are in favor of any one of these bills, or a composite or compromise bill, insofar as they go to the protection of the consumer.

We do not feel that legislation that is considered here should be considered by Congress without calling attention to one practice in some statement of the industry field which affects consumers and should indirectly affect our fur farm producers. That is the practice employed by some of the promoters of textile fiber products.

And my statement goes strictly to the advertising provisions of these bills of referring to their product in the promotion of them by fur animal names, likening them to having qualities of certain furs or even exceeding qualities of the actual fur products.

As was stated a year ago before this committee, we discussed the type of advertising then under consideration. And as we predicted, it would be enhanced in the respect they are using fur-bearing names by the promoters. Most of them are synthetics. They have done just that this past year.

I regret that we have not—because of the short notice that we received of the hearings—made reproductions of the various types of advertising we are talking about.

Mr. BENNETT. You were here last year?

Mr. PLAISTED. Yes; it is of great concern. It is the same position. The amendment which we are suggesting and which is referred to on page 4 of our statement is somewhat different in wording.

We are calling to your attention, in our opinion the members of the group I represent, that there should be specific wording which prohibits the textile fiber manufacturer or promoter from using fur-bearing animal names or the names of terms common only to the fur industry, as shown on pages 1 and 2—because of the lack of time we did not print it for you—using certain terms as “a marvel mutation,” “magnificent frauds, our black ‘Persians’.”

We have discovered that the past year they have tended to not only mislead the purchasers of the garments in question but also have tended to destroy, as we predicted it would a year ago, a large degree of the confidence and intelligence that the consumers of fur products had.

I had a woman approach me about 2 months ago and she had seen mink advertised somewhere. She said, “That isn’t real mink, is it?”

The fur farmers have invested in mutation minks some \$3 million in the past few years. There has been considerable amount spent in developing and in advertising.

Now we find that some of the synthetic promoters are using those names indiscriminately.

They are certainly deceptive in every respect. Ours has nothing to do whatever with the manmade fiber. It has had to do with the breeding, et cetera, we think, in the interest of the consumer.

As Mr. Young said, we regard the prestige of our product, the farmers’ end product, what fur he may be raising is certainly affected.

We are not concerned, Mr. Chairman and gentlemen of the committee, with the few sales that might be lost. A woman who wants to buy a mink garment or a fox garment is not going to go in and purchase one of these \$100 or \$55 synthetic garments which are nothing more than a pile of fabric.

But in the long run I think we are affected the same way as Mr. Young said cotton would be affected in the way of prestige of our product.

The legislation which we suggest and request be incorporated into any one of the proposed bills, or a composite bill that may be recommended for passage, is not unique in Federal legislation.

We had the same thing in this very committee, and some of the members are still on this committee, when it incorporated into the

Fur Products Labeling Act wording that prohibited the use of fur animals names except the actual animal of which the product was used in the garment.

Likewise, the Federal Trade Commission Act has specific provisions regarding oleomargarine products prohibiting the makers of those products from using dairy products and similar words.

That is primarily, Mr. Chairman, what you are concerned with. We think that the consumers of the products which they unfortunately know little enough about are being misled by the type of advertising that is under consideration.

Mr. BENNETT. I certainly, for one, feel that the fur people should have adequate protection. I think Congress went a long way in adopting the fur-labeling legislation. They thought it sound and desirable.

Mr. PLAISTED. We thank you.

Mr. BENNETT. But, if by act of Congress, we prohibit a man from saying his product is as good as somebody else's because it looks like somebody's else's, where will we stop? Suppose I put an advertisement in the paper saying I have a product that looks like linen and is as good as linen but it isn't linen, do you think we should write in a prohibition in the law as to that kind of advertising?

Mr. PLAISTED. I believe at the present time with respect to linen there is a like provision. You cannot call it such.

Mr. BENNETT. I am not calling it linen. I mean, saying it looks like linen or is as good as linen.

De we have a law on the books that prohibits that?

Mr. PLAISTED. Not unless the general provisions of the Federal Trade Commission Act does.

Mr. BENNETT. We do have at the present time in the law a provision against fraudulent or deceptive advertising.

Mr. PLAISTED. Yes.

Mr. BENNETT. Does not that cover what you have in mind?

Mr. PLAISTED. In my opinion, this problem in discussing this with the Federal Trade Commission officials, the law will not cover the type of thing we are interested in. Or else they are of the opinion we would have to go each step in the process.

Mr. BENNETT. They are of the opinion that the advertising that we are talking about is not covered?

Mr. PLAISTED. They are not of that opinion.

Mr. BENNETT. If it is deceptive, it is against the present law, isn't it?

Mr. PLAISTED. They feel that the burden of proof, I understand—if I am interpreting their statement clearly—they have little effectiveness to enforce the false and deceptive advertising provisions of the law.

Mr. BENNETT. Even though the advertisement is not deceptive so far as the person is concerned, you still feel that there should be a prohibition against anybody making use of the word "fur" unless there is some fur in it.

Mr. PLAISTED. We believe that it is in the interest of the protection of the consumer, yes, that they are being misled.

I talked to a woman about 2 months ago who bought one of these garments. After going into the store, being led there by the adver-

tising, the same man got hold of her and she bought it. It hung in the closet ever since and she has not worn it once.

Mr. BENNETT. Last year you had a display of furs.

Mr. PLAISTED. Yes.

Mr. BENNETT. And you had a mink garment that probably cost \$5,000, or some such figure. And then you had a similiar garment that was made of wool that would sell for \$50 or \$100—something like that.

Mr. PLAISTED. Yes, sir. It was not similar but similar cut garment.

Mr. BENNETT. And you are objecting that the seller and producer of the garment can say that his garment looked like fur and that such advertising would fool the lady that was buying the \$100 wool jacket that she thought was as good as a \$5,000 mink?

Mr. PLAISTED. I believe, especially the garment that was advertised as one of the mutations—I do not contend, we don't contend that all of the types of advertising, any given phrase they may use, would probably be false or deceptive.

But the type of advertising that they are exhibiting now, where they actually call their fabric a fur—some advertisements say they look like fur, they feel like fur; some call it manmade fur. I do not think anything could be more false or deceptive.

Mr. BENNETT. Do you object to an advertiser using the expression, "It looks like fur?"

Mr. Plaisted, as I understand it, you want fur to be taken out of the advertising completely unless there is some fur in the article?

Mr. PLAISTED. I think if we are going to draw the line anywhere, probably as in the Fur Act or the Federal Trade Commission Act, we would have to do it there.

Mr. BENNETT. Would you furnish the committee some types of advertising that you feel are unfair and deceptive?

Mr. PLAISTED. Yes, sir. I was just going to ask permission because of the late notice of the hearing we did not have opportunity to prepare it—if I could submit photographs of the advertising this next week.

Mr. BENNETT. I would like for the committee to give him permission to furnish the type of advertising that he objects to.

Mr. MACK. We would be very happy to receive such information provided it is not too voluminous. You may submit it.

Mr. PLAISTED. Thank you very much. We would have had it this morning except we received late notice of the hearing.

Mr. MACK. I think you submitted the same information last year.

Mr. PLAISTED. We would like to submit newer ads that have been shown this last year.

Mr. MACK. I meant to say you had submitted similar information last year.

Mr. PLAISTED. Yes, sir.

Mr. MACK. I did not have an opportunity to hear your testimony during the last Congress but as I have heard your testimony this morning I am just wondering if this more properly would be offered as an amendment to the Fur Labeling Act rather than to a textile products labeling bill?

Mr. PLAISTED. As we discussed last year, I thought I touched on it this morning, the product here—the word we are concerned with, is only textile fiber product. I suppose if it belongs anywhere, it belongs

in at least one of these several bills offered for congressional action. It has nothing to do with the fur product.

The Fur Products Labeling Act pertains only to fur or fur products as they are defined which comes from animals. The only possibility we are concerned with is about what you have here for consideration.

Mr. MACK. As I understood it this morning, it would seem to me from your brief testimony that it would be false or misleading advertising so far as fur was concerned and would be particularly a violation of the Fur Labeling Act rather than a violation of the proposed textile products labeling law.

Mr. PLAISTED. Mr. Chairman, the product that we are alleging to be false and deceptive advertising is the textile fiber products, not a fur product at all.

Those are all taken care of in the Fur Products Labeling Act.

Mr. MACK. I understand that. The complaint is that people are inferring that they are actually fur made from textiles?

Mr. PLAISTED. Yes.

Mr. MACK. Thank you very much.

Mr. PLAISTED. Thank you.

(The following letter was later received from Mr. Plaisted:)

NATIONAL BOARD OF FUR FARM ORGANIZATIONS, INC.,
Milwaukee, Wis., April 10, 1957.

Re hearings on textile labeling bill.

HON. PETER F. MACK, Jr.

*House of Representatives, House Office Building,
Washington, D. C.*

DEAR CONGRESSMAN MACK: I wish to take this opportunity to thank you for the chance you afforded me to appear before your Subcommittee on Commerce and Finance last Friday. As you will probably recall, questions were directed to me as to the probable attitude of the officials of the Federal Trade Commission in respect to our proposal. I am certain that when the Federal Trade Commission officials appear before you on the adjourned dates of April 11 and 12 they would welcome and be in an excellent position to answer any questions you have in this regard.

Also, as you suggested, we are having photographic copies made of the type of advertising which we complain about. We will have the copies of the advertising in your hands prior to the conclusion of the hearings.

We have given considerable thought to Congressman Bennett's suggestion that possibly the promoters of synthetic garments should be permitted to use the word "fur." With that thought in mind, we enclose a redraft of our suggested paragraph which appears on page 4 of our written statement. This latest proposal prohibits only the use of the name or symbol of any fur-bearing animal. As was pointed out, a like provision appears in the Fur Products Labeling Act with respect to garments made from fur products.

You probably would be interested in knowing, Congressman Mack, that both the Mink Breeders Association of Illinois and the Central Illinois Mink Breeders Association are members of our organization. I am sure that they feel that they not only have a vital interest in protecting the consumer from the deceptive type of advertising that has been exhibited this past year with respect to the synthetic-pile fabrics, but also are concerned lest their share in the investment of several million dollars in the advertising of their product be lost if the confidence the buying public has gained in fur is destroyed.

Respectfully yours,

K. M. Plaisted,
KENNETH M. PLAISTED.

Redraft of suggested wording of amendment to section 4 of either H. R. 469 or H. R. 5605:

"For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal

is used in the advertisement of such product, unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal is used, is a fur or fur product within the meaning of the Fur Products Labeling Act; *Provided, however*, that where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal in conjunction with the word 'fiber,' 'hair,' or 'blend' may be used."

Mr. MACK. Additional hearings will be held on the 11th and 12th of April, the Chair would like to state.

And in addition to this, for the benefit of several people who have expressed an interest in this subject and are not able to testify on next Thursday and Friday, the Chair would like to inform the people here that we do intend to have hearings on April the 29th. We are only setting aside half a day for hearings of this kind, so that anyone who desires to wait until April 29th can submit a very brief statement at that time.

The committee will stand in recess until next Thursday at 10 o'clock.

(Whereupon, at 12:10 p. m., the committee adjourned to reconvene Thursday, April 11, 1957, at 10 a. m.)

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

THURSDAY, APRIL 11, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met at 10 a. m, pursuant to recess in room 1302, New House Office Building, Hon. Peter F. Mack, Jr. (chairman of the subcommittee) presiding.

Mr. MACK. The committee will come to order.

We are first going to hear from the Federal Trade Commission its views on the pending legislation. Our first witness, Earl Kintner, is General Counsel of the Federal Trade Commission.

Mr. KINTNER.

STATEMENT OF EARL KINTNER, GENERAL COUNSEL, FEDERAL TRADE COMMISSION; ACCOMPANIED BY HARVEY H. HANNAH, CHIEF, DIVISION OF WOOL, FUR, AND FLAMMABLE FABRICS; AND HENRY MILLER, ASSISTANT TO THE GENERAL COUNSEL

Mr. KINTNER. Mr. Chairman and gentlemen, my name is Earl W. Kintner. I am General Counsel of the Federal Trade Commission and appear here today in accordance with your request to testify on behalf of the Commission H. R. 469, H. R. 5605 and H. R. 6524.

I have with me two of the Government's principal experts in this field of fabric labeling; Mr. Harvey Hannah, Chief of the Commission's Division of Wool, Fur and Flammable Fabrics and Mr. Henry Miller, Assistant to the General Counsel of the Federal Trade Commission, whose experience in this field goes back to the original Wool Act and carries through to the Fur and Flammable Fabrics Act.

Both of these gentlemen are here to answer any questions that the Commission may have in mind. It is our desire to help the committee in any way possible, and in this connection, I would like to say that while the Commission is offering certain criticisms and suggestions with respect to these pending bills, it also offers the committee the services of any of us at the Federal Trade Commission who may be helpful to the committee in the future with respect to this legislation. I believe that it would perhaps economize in time if I might read into the record the reports of the Commission on these bills.

The first report is the Commission's report on H. R. 469, in a letter dated April 4, 1957, and addressed to:

Hon. OREN HARRIS,

Chairman, Commission on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

The Commission makes the following comments:

DEAR MR. CHAIRMAN: This is a response to your letter of January 16, 1957, inviting comment upon H. R. 469, 85th Congress, 1st Session, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any "textile fiber product" the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals but there are a few points wherein we think it is deficient and where resulting weaknesses could seriously affect both the protection afforded to the public and effective enforcement of its provisions.

One of the most important and serious weaknesses of the bill appears in section 4 (b) (2) which deals with unavoidable variations in manufacture. As this provision is now drafted, it would require the Commission affirmatively to plead and prove, as a part of a proceeding for misbranding, that any deviation from the fiber content stated on the label was not due to unavoidable variations in manufacture, despite due care to make the statements accurate. The facts which would determine such a question are peculiarly within the knowledge and control of the producer. To place the burden of proving the negative, that is, that the misbranding was not due to unavoidable variations in manufacture, upon the Commission, is to place upon it a burden that it may not be able to carry, with the result that enforcement of the act would correspondingly be defeated. We believe that this defense should be in terms of providing that deviation of the fiber content of the article from the percentages stated on the label shall not be misbranding if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture, despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification. Unavoidable variations in manufacture would then be what it properly should be, a matter of defense, and to be shown by the person best able to show what the facts are.

Subsection 4 (c) deals with advertising of textile-fiber products but its application is limited to "written" advertisements used to aid, promote, or assist, directly or indirectly, in the offering for sale or sale of such textile fiber product. This would exempt from the provisions concerning false and deceptive advertising of fiber content, all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole in the provisions concerning advertising which should be closed.

As it is presently drafted this same subsection would require that advertisements, where any disclosure or implication of fiber content is made, contain the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b). This would include not only disclosure of the constituent fiber or combination of fibers each by its generic name in order of predominance by weight, but also require the disclosure of the percentage by weight of each fiber in the textile fiber product, identification of the manufacturer or other person subject to the act with respect to the product, and, if imported, the country of origin. It is believed that for purposes of an advertisement there will be adequate protection afforded if the disclosure required be limited to the provisions of subsection 4 (b) (1), thus excluding the requirements of subsections 4 (b) (2), 4 (b) (3), and 4 (b) (4) from the required information to be given with the advertisement.

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should nevertheless, conclude that other information in addition to that required by the bill may be put on

labels, we would suggest that the bill require that if put on label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the Committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

The second report concerns H. R. 5605, and is addressed again to Hon. Oren Harris, and is as follows:

DEAR MR. CHAIRMAN: This is in response to your letter of March 7, 1957, requesting an expression of the views of this agency upon H. R. 5605, 85th Congress, 1st session, a bill to protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

The bill is designed to cover the entire field of textile fiber content labeling and advertising and to repeal all existing provisions of law relating to the identification of advertisement of fiber content in textile fiber products. Because it would repeal all existing law relating to the disclosure of, or representations made concerning, the fiber content of textile fiber products and because of a number of deficiencies in its provisions which are hereinafter mentioned, the Commission is of the view that the bill does not represent a solution of the problem to which it is addressed which would afford the protection apparently intended to producers and consumers.

We believe that the repeal of the Wool Products Labeling Act of 1939 would be a serious mistake. That act has in years since its enactment become well established and received both by the public and by the trade. The many differences between terms of the Wool Act and those of the present bill would result in wiping out the value of the very substantial expenditures over a period of more than 15 years in educating those subject to its provisions and in proceedings enforcing that act. One of the significant bases for the enactment of the Wool Products Labeling Act was the protection afforded producers and consumers through its requirement for disclosure of the presence of any reprocessed wool or reused wool in products subject to that act. The present bill contains no provision for disclosure of reprocessed or reused fibers and as a consequence the repeal of the Wool Act would end any requirement for such disclosure in the case of wool products.

The repeal proposed would include all trade practice rules of the Federal Trade Commission relating to labeling and advertising of the content of textile products and would forbid any application of the Federal Trade Commission Act in that area. We doubt the advisability of this direct prohibition against any application of the Federal Trade Commission Act. Insofar as trade practice conference rules of the Commission are concerned, obviously they must conform to the law as enacted by Congress and we therefore consider any automatic repeal unnecessary and a possible hindrance to appropriate revision

and modification that would necessarily follow enactment of new satutory provisions by the Congress.

The bill does not contain any provision requiring that for a reasonable period of time manufacturers and processors maintain proper records concerning the content of textile fiber products which they produce. Our experience in this field has demonstrated the necessity for requiring the maintenance of such records if there is to be effective enforcement of the act. Without such a provision, enforcement would indeed labor under a heavy handicap.

In subsection 4 (c) the bill specifically permits placing upon the stamp, tag, label, or other means of identification giving the information required by the act, other information in addition to that required. This creates two problems. One is that when information other than that required by the act is permitted on the label containing the required disclosure, there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second problem is that since the bill is limited to textile fiber content, false or misleading statements dealing with subjects other than fiber content placed on the label containing the required disclosures should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject.

The bill permits the labeling of a package containing two or more of the same or similar textile fiber products in lieu of labeling the products themselves, with a provision that if any of the products so packaged is removed and is represented as containing any fiber other than that stated on the package, then the particular product itself shall be labeled. In our view this provision invites avoidance of the act in the case of many products. Conceivably where textile fiber products of identical content are packaged in a form intended to be and sold to the consumer in the original package, then package labeling would not be objectionable.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for the use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are necessarily essential, their absence is a matter at least worthy of consideration. In the case of some fabrics substantial amounts of nonfibrous loading or filling material are used and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

The present bill proposes to replace established requirements by a new system that, insofar as it represents replacement of existing law, would be in many respects less effective in its application and with omissions that tend to limit and weaken enforcement. Because of its repealing effect as well as the fact that it incorporates provisions of doubtful and inadequate character, the Commission cannot, despite its general sympathy toward provision being made for textile fiber identification, recommend the enactment of the bill in its present form.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

Now, Mr. Chairman, our report on H. R. 6524, an identical bill, is the same as that report I have just read, and I would inquire if the chairman would like to have that report in the record without reading it, and made a part of the record without my reading it.

Mr. MACK. You say it is an identical statement?

Mr. KINTNER. Yes; it is, sir. I will be very glad to read it—

Mr. MACK. No. It would be very simple just to state that the same statement applies to the identical bill. It will not be necessary to have that in the record.

Mr. KINTNER. That is correct, Mr. Chairman; the same statement applies to the identical bill.

Mr. MACK. Do you have some questions, Mr. Dollinger?

Mr. DOLLINGER. I think I have one. The Smith bill, H. R. 469, is that not commonly known as the Cotton Labeling Act? I am trying to find out for my own information.

Mr. KINTNER. I am not briefed on that particular point. I believe one other motivating purpose of the bill is to insure proper labeling of cotton and other products.

Mr. DOLLINGER. I would like to know whether there is any provision in there at the present time which protects the public from improper cotton labeling in products.

Mr. KINTNER. The general provisions of the Federal Trade Commission Act, the organic statute, do afford protection against deceptive advertising in this field. That was also true with respect to wool products, but Congress, in the latter instance, saw fit to enact a special bill. The reasoning behind this specific legislation, as I understand it, is that our jurisdiction is somewhat limited and does not permit us, in many instances, to follow the products to the local retailer who is not engaged in interstate commerce.

Mr. DOLLINGER. I take it there is adequate protection today to protect wool products by proper labeling; is that correct?

Mr. KINTNER. Yes, sir; there is, Mr. Congressman.

Mr. DOLLINGER. Is there adequate protection alone to protect the public from other products, other than wool?

Mr. KINTNER. In our view, this legislation would be desirable in the field of other fabrics.

Mr. DOLLINGER. With your modifications that you have expressed?

Mr. KINTNER. With the modifications suggested. We are aware that there is an increasing problem, particularly in the field of man-made fibers, where the consumers may not be aware, in all instances, what they are purchasing, or the implications of what is said in advertising with respect to such manmade fibers.

Mr. DOLLINGER. Basically, the purpose of the 3 bills is to protect the consumer by proper labeling with the exception, of course, that you think the bills by themselves do not permit you, the agency, to regulate it in proper fashion, there are too many ifs, ands, and buts there to answer, and you would like to have them clarified?

Mr. KINTNER. Yes, sir; we feel in principle that these bills are excellent; that they not only would protect the consumers but the producers of the products and those who buy from the producers and resell to the public.

We do believe that the body of law built up, and the body of experience built up under the Wool Products Labeling Act, should be preserved. In that connection, we have issued over 100 cease-and-desist orders in the field of wool labeling. We have perhaps another 100 cases under investigation or in various stages of trial.

There are approximately 50 stipulations involving the Wool Products Labeling Act and we feel that this body of experience gained through this litigation should be preserved for the protection of the public.

Mr. DOLLINGER. Do you think you can amend these bills, and provided the sponsors consent to the amendment, to make them work?

Mr. KINTNER. I am sure that can be done and, as I told the committee at the outset of this testimony, we at the Commission are very glad to afford this committee and its staff every possible assistance in what-

ever course the committee may wish to pursue in the future with respect to this legislation.

Mr. DOLLINGER. The reason I asked that question is because sometimes amendments might be promulgated, but when you put them in writing you find they are not workable and I was wondering whether or not the Commission thinks those amendments could be incorporated in the bills and make those bills workable. It is a question of applying the proper language and working it out.

Mr. KINTNER. I would say the committee has two courses open to it: It may desire to amend the current bills, or it may, on the other hand, decide to draft a new bill incorporating all of the suggestions offered here this morning.

In my personal judgment, the latter course would be desirable. However, I emphasize again that we are most anxious to afford this committee any possible assistance on a day-to-day basis with respect to either amendments of the current bills or drafting of a new bill.

Mr. DOLLINGER. Thank you.

That's all, Mr. Chairman.

Mr. MACK. Mr. Beamer?

Mr. BEAMER. Thank you, Mr. Chairman. I was going to ask a similar question that my colleague from New York has asked. You have a general counsel, and your staff would be available in case you had any particular recommended legislation.

May I ask this question: How many members are there on the Commission?

Mr. KINTNER. There are five.

Mr. BEAMER. Was that a unanimous decision?

Mr. KINTNER. Yes; it was. I may say to you that the two principal experts here this morning, Mr. Hannah, who is in charge of that portion of our work concerning the enforcement of the Wool, Fur, and Flammable Fabrics Act, and Mr. Miller of my own staff, who was the first expert of the Commission on this type of legislation, and remains one of the principal experts in the whole Federal Government on this subject, both of them are most anxious to assist the committee, and we will not only afford their services but that of any other persons on our staff whom the committee may wish to consult.

Mr. Hannah, I understand, worked very closely with the staff of this committee in drafting legislation in the last sessions of the Congress.

Mr. BEAMER. Do you have reports, I believe you do, for the activities of your Commission on the Wool Labeling Act and the Fur Labeling Act, for example?

Mr. KINTNER. Yes, sir; those activities are covered in our annual reports.

Mr. BEAMER. Would there be anything of interest in the reports and recommendations following those reports that might be helpful? The reason I am asking this question, I think the gentleman from New York asked the question whether this was a cotton labeling bill. I may be in error, that may be one of his prime motives, but I feel Congressman Smith's is more inclusive; it is more a textile labeling bill, and that is the reason I wondered whether or not the experience your commission has gathered from its activities in the other two acts might make it possible to make an all-inclusive bill. I think that is the intent of this particular legislation.

Mr. MACK. There are two bills introduced here that are trying to get that approach. They are all-inclusive approaches rather than just in the exclusive area of cotton.

Mr. KINTNER. We understand, Mr. Congressman, that these bills are designed to be all-inclusive.

Mr. BEAMER. I was asking the question and thought probably your experience with the other two acts particularly might help to strengthen the provisions of this bill so that it could be made an all-inclusive bill rather than a specific product bill.

Mr. KINTNER. Yes, sir. Our comments on these three bills are made in the light of our experience, Mr. Congressman.

Mr. BEAMER. Your commission has not given approval to the way the bill is presently written. Do you feel that it has merit and should be revised in some manner?

The other question I was going to ask had to do with the additional fibers to which you referred on the top of page 3.

Are there many different products other than fibers?

Mr. KINTNER. The variety of manmade fibers is very great, and increasing.

Mr. BEAMER. Is that the principal alarm you have in this issue?

Mr. KINTNER. That is one of the principal problems, as we see it—the increasing number of manmade fibers and the problems that are presented.

Mr. BEAMER. It is possible that some of those manmade or synthetic products might be an improvement over nature's products.

Mr. KINTNER. I wouldn't want to say that it would be.

Mr. BEAMER. You would probably indicate that they should be so stated.

Mr. KINTNER. Certainly, they should be identified to the end—properly identified and properly represented to the end—that the American consumers not be misled.

Mr. BEAMER. As you may remember, we had some samples before our committee last year in the previous Congress, and to those of us who know nothing about it, it was difficult to identify one from the other, in fact, it's almost like a fur and—

Mr. KINTNER. I understand, sir. This is a great problem for the housewife.

Mr. BEAMER. I think that's all.

Mr. KINTNER. It is always a pleasure to answer any questions from a distinguished son of my State of Indiana.

Mr. BEAMER. Thank you, sir.

Mr. MACK. Mr. Jarman?

Mr. JARMAN. Mr. Kintner, with the Wool Products Labeling Act enforced for over 15 years it certainly can serve as some criteria for us as to what we might expect from the general provisions of these bills. Is there now much criticism as to terms and requirements of the Wool Products Labeling Act by those who must live under the act?

Mr. HANNAH. No.

Mr. KINTNER. Mr. Hannah is directly in charge of that work and perhaps can answer your question better than I.

Mr. HANNAH. No. We feel that the provisions of the Wool Labeling Act have worked very well on overall basis. We have received some complaints from certain segments of the industry with respect

to the reprocessed and reused wool requirements of this act. They feel that the terms, the names in which those fibers are classified present a stigma to the fibers which has caused difficulty in marketing that form of reclaimed fibers. With the exception of that provision, we have had very little complaint.

Mr. JARMAN. Was there much complaint and criticism at the beginning, at the inception of the operation of the act?

Mr. HANNAH. At the time the act was being considered by Congress, I was not with the Commission. Mr. Miller followed that hearing quite closely. I believe, though, from reading the records, that the point with respect to reprocessed and reused wool was very carefully gone into.

Perhaps he might want to comment on that.

Mr. KINTNER. Mr. Miller?

Mr. MILLER. At the time the Wool Products Labeling Act was under consideration before this committee, and in the Senate, hearings were held very extensively. As a matter of fact, hearings were held over a great many years. It is said that the agitation took 30 years to get a wool labeling bill passed. That is a common remark that was made at that time.

The reports of those hearings are quite voluminous and they show people from many industries that appeared, expressed their views, and, in addition to that, a very large number of representatives of consumers organizations appeared and supported the legislation and really made very strong pleas for it.

So, judging from that, I would say that there was a great demand for the bill at that time.

Mr. JARMAN. Yes, but was there much opposition expressed to it at that time, or much concern about its possible effect in the foreseeable future?

Mr. MILLER. There was a lot of opposition from the trade. There was a lot of favorable presentations out of the industry itself, in the wool manufacturing industry there, that industry was split. There were certain people in it that were strongly for it, as a matter of fact, proposed the legislation or considered themselves as on the side of the proponents, and there were other manufacturers who were opposed to it.

Mr. JARMAN. It is certainly human nature, in the natural course of events, that there is concern over the possible effects of any new legislation on those who are subject to it, but the particular point I was interested in was whether the years of enforcement under the act have dissipated many of the complaints and the criticisms which were leveled at it at the time of consideration and enactment.

Mr. MILLER. Oh, it certainly has. I think that no act of the effect and extent of the Wool Products Labeling Act has ever gained such favorable reaction over the relatively short period of time that it has been in effect.

Mr. KINTNER. I might add, Mr. Congressman, that there is also, where new legislation and new regulatory authority is vested in an agency, a considerable apprehension over the possible effects of that legislation.

However, in this instance, a lot of the apprehensions were rather unfounded in the light of subsequent experience, and we do have this.

experience for 15 years to answer many of the questions that might be raised concerning the pending legislation.

Mr. BEAMER. Will the gentleman yield?

Mr. JARMAN. Yes.

Mr. BEAMER. In that connection, the critics of the Wool Labeling Act insist that it has cut the sales of wool products.

Mr. KINTNER. We have no information on it with respect to that statement, Mr. Congressman. I would comment, beyond this, that there has been a great growth in the number of manmade fabrics and perhaps that has something to do with the decrease in the use of wool and woolen products. Actually, I would think that that would be an advantage to those who produce and sell woolen products and having those products truthfully labeled and truthfully represented because the consumer then has a greater confidence in the product. I believe that the same principles apply to other fabrics.

Mr. BEAMER. The reason I asked, my wife prefers some kind of carpet that does not have wool in it because it does not attract moths. I mentioned that as one illustration, the very fact that it is labeled "wool" may militate against its sale to someone who doesn't like wool.

The wool producers wouldn't like that statement.

Mr. KINTNER. That may be so, but my wife, on the other hand, prefers a woolen rug and has a prejudice against some of the man-made fabrics and rugs.

Mr. BEAMER. Thank you.

Mr. JARMAN. Mr. Chairman, one more question: I wonder if you would care to comment on the position of the Commission on the percentage approach or the predominance approach—percentage in the requirements set out in the Smith bill, as contrasted with the predominance requirement set out in the other two bills.

Mr. KINTNER. The Commission in its statement has indicated a preference, I believe, for the percentage approach.

We found, I believe, with respect to the Wool Products Labeling Act, that there is a considerable advantage to the consumers as to how the exact percentage of constituent products, of constituent fibers in a product is properly labeled and set out.

Mr. JARMAN. That is all.

Mr. KINTNER. Mr. Hannah may have additional comments on that, too.

Mr. HANNAH. The Smith bill requires the percentages, I believe, Mr. Congressman; the Wool Products Labeling Act has required the percentages and it has worked very well, in giving the consumer the information which Congress intended.

We are in favor of the percentage requirement.

Mr. JARMAN. The percentage approach?

Mr. HANNAH. Percentage disclosure, yes.

Mr. KINTNER. I might add that there is the other approach, that the constituent parts of the product be listed in order of their percentage, without the disclosure of the actual percentage. We feel that tends to create a deception upon the consumer who may assume that if there is a listing of various constituent fibers that the fibers may be somewhat equivalent as to content.

Mr. JARMAN. I can understand.

Mr. HANNAH. In our report we have suggested, Mr. Congressman, that the percentage requirement to be omitted in advertising disclosures. We feel that the mere listing of the constituents by fibers there backed up by the label stating the percentages would be sufficient to protect the public interest and also avoid a lot of unnecessary burden upon advertisers.

Mr. JARMAN. Thank you very much.

Mr. KINTNER. The principal reason for listing by constituents, or the percentage of the constituent fibers, is to enable the housewife to examine a garment and a label affixed to it and to know precisely what the garment contains.

Mr. JARMAN. Thank you very much.

Mr. MACK. Mr. Avery?

Mr. AVERY. Thank you, Mr. Chairman.

My questions very logically follow the questions of the gentleman from Oklahoma, but get down into just a little more detail.

Mr. Kintner, I will direct my questions to the Smith bill, H. R. 469.

As I understand, both bills have the same overall objective but there is a difference in the manner of approach.

In your report on H. R. 469, you have set out the three basic suggestions for improvement, or objections, if I might put it that way, and my question is how these particular provisions compare to comparable provisions in the Wool Labeling Act?

Now, take your first objection to the language, that was on the burden of proof on variables, whether it would be a burden on the Commission to prove that it was not unavoidable variations, or whether it would be the responsibility of the manufacturers to prove whether it was unavoidable or not.

Mr. KINTNER. That provision, as I understand it, does not exist with respect to the enforcement of the Wool Labeling Act. The burden of proving variables would be upon the respondent in a proceeding, rather than the Commission.

Mr. AVERY. That would be the manufacturer or retailer?

Mr. KINTNER. Or other persons charged with having mislabeled or misbranded.

Mr. AVERY. So in other words, the provisions for the burden of proof here is the opposite from what it is in the Wool Labeling Act?

Mr. KINTNER. Yes, sir. In all the instances our criticisms, our suggestions, have arisen from our experience with respect to the Wool Labeling Act, and suggestions made in all instances are consistent with the current provisions of the Wool Labeling Act.

Mr. AVERY. Then you can probably answer the rest of my questions within that frame, and we come down to this loophole in verbal or oral advertising as compared to written advertising. Is that covered in the Wool Labeling Act?

Mr. HANNAH. The Wool Products Labeling Act does not extend to advertising.

Mr. AVERY. Not advertising, but merely on the labeling?

Mr. HANNAH. Merely requires the labeling of wool products.

Mr. KINTNER. The advertising of wool products is covered under our organic Federal Trade Commission Act.

Mr. AVERY. Why would not that same organic act apply to other fabrics as well?

Mr. KINTNER. It does, in the same manner and degree, it applies to wool products—with respect to the advertising of such products.

Mr. AVERY. Well, then, would you care to comment whether that particular section of it needs to be in this act at all, relating to advertisement?

Mr. HANNAH. Mr. Congressman, Mr. Kintner indicated it would cover a portion of the field. Under the Federal Trade Commission Act we are limited purely to advertising of products which are sold in interstate commerce and it does not reach to the retail level, where most of the difficulty arises in advertising; under the new bill, it would.

Mr. KINTNER. It is really a matter of judgment of the Congress as to whether or not the Congress desires to extend our jurisdiction in the field of fabrics because of special problems which exist in those fields. That is a judgment really on which we should not comment.

Mr. AVERY. I understand. Might I inquire of the chairman, Does your bill, Mr. Mack, and I'll have to confess I haven't studied it in detail—

Mr. MACK. Yes, I think my bill would cover an area that is not presently covered by the Wool Labeling Act.

Mr. KINTNER. We would so construe it, Mr. Chairman.

Mr. HANNAH. Or the Federal Trade Commission Act, but the FTC Act does with respect to products which are sold in commerce as distinguished from having been shipped and received in commerce which Mr. Mack's bill covers.

Mr. KINTNER. As is true of the Fur and Flammable Fabrics Act, it reaches down beyond interstate commerce into areas of intrastate commerce, in policing labeling of these products, and it is my understanding that your bill, Mr. Chairman, is designed to do this, not only with respect to labeling of other fabrics but with respect to advertising of any and all fabrics.

Mr. MACK. That is my understanding.

Mr. AVERY. Take the next objection in order, the design of the label as to what should be in prominence, and how much prominence percentage of content should have. You mentioned an objection there, perhaps by allowing other information to be put on the label it might press this down into a corner where it would be misleading or deceptive or maybe indiscernable. What is the provision in the Wool Act in that respect, can they put other information on that label?

Mr. KINTNER. I will ask Mr. Hannah to answer.

Mr. HANNAH. The act permits nonrequired information to appear on the label so long as it is not deceptive and the Commission's regulations require that all information be placed in a conspicuous manner of equal size and type so that the point has been covered under the Wool Act by Congress stating that the nonrequired information which may appear must be of nondeceptive character. It does not permit any false or misleading statement along with the disclosure.

Mr. KINTNER. I might add that American businessmen have a great genius for devising new practices, and that genius becomes very apparent upon the passage of any new legislation.

We find that, with respect to the latest oleomargarine law which permits a description of the contents of the oleomargarine and it is the current practice of many manufacturers to include butter in the contents of some brands of oleomargarine, and we found, in enforcing the law, that some of these manufacturers had given undue prominence to the fact that the product contained butter.

Mr. AVERY. In other words, if the language of this particular section were similar to the comparable section in the Wool Act, it would meet with your general requirements?

Mr. KINTNER. Yes.

Mr. HANNAH. We ought to clarify it, Congressman. We don't object to nonrequired information appearing on the label, so long as it is not false or deceptive or so long as it does not interfere with the required information.

Mr. KINTNER. And so long as it does not constitute an avoidance of the terms of the act.

Mr. AVERY. I think that's all, Mr. Chairman.

Mr. MACK. Mr. Alger, do you have some questions?

Mr. ALGER. Simply this, Mr. Chairman. Why should there be a provision for libel, providing for a libel proceeding? Specifically, what would that accomplish for the Commission or the bill? You mention several things here, giving reasons for the seizure of misbranded goods and so forth. What would be accomplished by additional libel laws?

Mr. KINTNER. Primarily, Mr. Congressman, that is the big stick we hope we never have to use. It is a deterrent to a violation of the law. I don't believe that we have ever used the libel provisions of the Wool Products Labeling Act, but in our judgment such a provision was wisely included because it has prevented and deterred many violations.

Mr. ALGER. Would the bill be weakened without it, the enforcement?

Mr. KINTNER. We have no strong feelings on this subject. I suppose if we were given our preference, we would prefer to have the libel provision in the instant legislation simply as the deterrent, but we could quite well enforce the bill, enforce the law without such a provision in it, if in its wisdom the Congress decided that this is not desirable.

Mr. ALGER. You mention the seizure of misbranded goods. That is a threat?

Mr. KINTNER. It is primarily a threat.

Mr. ALGER. Here we are:

The bill makes no provision for use of the process of libel for seizure of products found to be misbranded.

Mr. KINTNER. It meets a situation where a businessman may have a warehouse stuffed with misbranded goods and such provision permits us to seize those goods and prevent their being introduced into commerce, sold to unwary consumers.

Mr. ALGER. You could not do so otherwise, without permission?

Mr. KINTNER. That's right. Of course, we might bring an injunction, if injunctive powers were inserted in the bill.

Mr. ALGER. That's all, thank you, Mr. Chairman.

Mr. MACK. I had two or three questions that I wanted to get into along the line of questions asked by Mr. Dollinger and discussed by the other members of the committee.

It is not really clear to what extent your Commission controls the advertising of textile fiber products, whether of wool or cotton, under the Federal Trade Commission Act.

Mr. KINTNER. Well, we have authority over the advertising, generally over advertising, of these products. We could also attack deceptive labeling products.

Mr. MACK. Any products?

Mr. KINTNER. Any products. The problem really exists with products, or where products may be properly labeled when they leave the manufacturer, but the label may be removed by the retailer who advertises the product in a local newspaper as being that which it is not, and there the consumer is primarily the person who is adversely affected.

It is very difficult for us to find jurisdiction in these purely local situations.

Mr. MACK. That isn't my question. You are of the opinion that you do not have jurisdiction, even though the local advertiser advertises in interstate commerce.

Mr. KINTNER. Most of the advertising is at a purely local level, and we cannot reach it because the product is being sold locally and not in interstate commerce.

Mr. MACK. Notwithstanding the fact that the advertising is in interstate commerce?

Mr. KINTNER. That is correct.

Mr. MACK. So you have no control over the retailer or his activity presently, would that be an accurate statement?

Mr. KINTNER. We have a certain limited control over the retailer. For instance, we have no jurisdictional problem in the District of Columbia, and we have no jurisdictional problem where the retailer is located near a State line and does business in two States. We can always reach deceptive advertising where the advertising is disseminated across State lines, with respect to a newspaper that is sold and read in 2 different States, or a periodical that is sold and read in more than 1 State.

But, the problem is with respect to the purely local advertising and local sale of products.

Mr. Miller points out to me that an additional point should be made here, that the Commission currently can prevent the actual misrepresentation, but the disclosure, the actual disclosure is another problem and the Commission does not require disclosure except in very important cases bordering on fraud.

Mr. AVERY. Mr. Chairman?

How do you use the term "disclosure" there?

Mr. KINTNER. Affirmative disclosure is what I have reference to, a requirement that the constituent parts of a product be affirmatively disclosed.

We have this problem traditionally in many fields. The one that comes to my mind is with respect to manila rope. We have had a problem in the past of fibers being reused and combined with new fibers and the product sold as a new product, and the public believes that it is a new product, and so purchases it.

We have required the disclosure that the constituent parts of this type of product are not new but may be reused or reprocessed.

There is a problem also, I understand, with respect to reusing television tubes. The public, we feel, is entitled to know that if a television tube is offered for sale it is a reused tube.

Mr. MACK. That comes under the Federal Trade Commission Act jurisdiction?

Mr. KINTNER. Yes, sir. We have to make a pretty strong case, and we feel we should make a pretty strong case to require an affirma-

tive disclosure on the part of a businessman concerning the virtues and values of his product.

Mr. HANNAH. The product, itself, Mr. Chairman, has to be sold in interstate commerce.

Mr. MACK. I see.

Mr. AVERY. I wonder if that brings us into the area of jurisdiction, for instance, Mr. Chairman.

For instance, a merchant in my hometown, in central Kansas, where he does not advertise in interstate commerce, you have no jurisdiction over him on the television, am I following you correctly?

Mr. KINTNER. That is correct. Our jurisdiction is solely in the field of interstate commerce.

Mr. DOLLINGER. Wait a minute. If that product is manufactured outside the State and sold to him, and he doesn't advertise it locally, he still doesn't have anything.

Mr. KINTNER. It goes over from the manufacturer who ships into the State.

Mr. DOLLINGER. And goes from him to the sources of distribution.

Mr. KINTNER. We could prevent him from deceptively or misleadingly advertising his product, but the deception usually arises, not on the part of his product, but when he discloses what he sells.

Mr. DOLLINGER. You would have the jurisdiction over the manufacturer and local enforcement authorities would have jurisdiction over the retailer.

Mr. KINTNER. That is correct, but the retailer may secure an article properly labeled and concerning which there is no deception whatsoever, but when he puts that product on his shelves and then sells it to the consumer he may remove a label and the consumer quite properly assumes that this is a new product. That is a great problem.

Mr. DOLLINGER. We had that in New York recently with the television racket, the tubes, getting seconds and selling them as new products.

Mr. KINTNER. Yes, sir. The retailer knows very well that he is getting a reused product, and the product is undoubtedly labeled as such by the manufacturer, but when the unscrupulous retailer resells it he removes the label and his clerks orally tell the customer "this is a new tube so much less than my competitors will sell you television tubes." That is the problem primarily of the protection of the consumer.

Mr. MACK. In most cases on the retail level it would be outside the jurisdiction of the Commission, whether it was cotton or television tubes or what not?

Mr. KINTNER. We sometimes are able to, in fringe areas secure jurisdiction over local situations because of unusual circumstances with respect to that situation, but in the main we are unable to reach a purely local situation except, of course, with respect to the provisions of the Fur, Wool and Flammable Fabrics Act, where Congress has specifically granted us authority to follow the products from the manufacturer right down to the retail stores and that is because of special circumstances which existed in the handling of that product.

Mr. MACK. That is a very important point and I am glad you expanded on that.

I wanted to ask about your statement concerning 5605, which had to do with the Wool Products Labeling Act, the first page. You

mentioned that the present bill, "would result in wiping out the value of the very substantial expenditures over a period of more than 15 years." I understand that this was one of the principal points of objection, as far as the Commission is concerned, and I just wanted to inquire this morning exactly what problem would be presented there.

Mr. KINTNER. Well, the problem presented by H. R. 5605 is that the bill would wipe out, if we understand it, the Wool Products Labeling Act.

Mr. MACK. May I expand a little bit on my question and ask you whether or not H. R. 469 would affect some of your outstanding orders?

Mr. KINTNER. It would not. The approach is different in 469, the Wool Products Labeling Act is not repealed by 469 whereas it would be repealed by 5605.

Mr. MACK. It would not have any effect on any of the orders presently issued, then?

Mr. KINTNER. The first bill, 469, would not affect any of the outstanding cease-and-desist orders with respect to labeling of wool products.

Mr. MACK. I understand that, but you could also have orders outstanding in your jurisdiction under the Federal Trade Commission Act?

Mr. KINTNER. That is correct.

Mr. MACK. That would have no effect on those orders; is that correct?

Mr. KINTNER. There are certain areas where there might be an effect upon outstanding Commission orders. The one that comes to our mind is with respect to orders involving rayon products.

Mr. MACK. Then, would you elaborate a little more on the effect of 5605 as far as your outstanding orders is concerned?

Mr. KINTNER. If the provisions of the Wool Products Labeling Act were written into 5605, the precedent of the Commission's outstanding cease-and-desist orders in that field would remain; but unless the provisions are substantially the same provisions that currently exist, and are written into 5605, then the outstanding cease-and-desist orders would have little or no precedent value in the enforcement of 5605 as presently drafted.

This is an experience based upon 15 years of enforcement of the act, cataloging of the various practices, illegal practices in the wool field, and we feel that this cataloging, this precedent, this body of precedent, is of great value, not only to businessmen in the field, but to the consumers, and we would dislike to see that precedent abandoned. We have a considerable investment of money in the case-work that has gone on with respect to the Wool Products Labeling Act.

Mr. MACK. In other words, you had rather see H. R. 469 amended to conform with the—or carry out the—same provisions as the Wool Products Labeling Act, rather than to change the section.

Mr. KINTNER. Mr. Chairman, our understanding is that as currently drafted 469 would have any effect upon the Wool Products Labeling Act, that that act would remain as it is.

Mr. MACK. That is true.

Mr. KINTNER. And not be repealed.

Mr. MACK. That is true.

Mr. KINTNER. And I believe that our preference at the Commission would be to have the Wool Products Labeling Act remain on the books as it is presently drafted and to have other legislation covering other fabrics.

Mr. MACK. Now, you presently have under your jurisdiction the Wool Products Labeling Act, the Fur Labeling Act, the flammable fabrics bill or act, and now we are going to have a textile labeling bill, at least we have it under consideration. So, you are going to have four different acts to enforce rather than any standard approach to the problem. It would seem to me that it would be simpler to have a more limited number of acts or standardization of the requirements, as far as the enforcement is concerned.

Mr. KINTNER. The fact that there would be four different acts would not bother us so much, if in principle there is consistency between the various acts and consistency in the approach. Then too, the Fur Act and the Flammable Fabrics Act are in no way related to the proposed legislation, nor would they be affected by it.

Mr. MACK. Now, presently the Wool Products Labeling Act requires the labeling of reused and reprocessed wool. It seems to me that on the basis of the statement you just made, that we should have the same requirement in H. R. 469.

Mr. KINTNER. We haven't had brought to our attention the fact that a problem, a serious problem, exists with respect to the relabeling of the manmade fabrics and their reuse. This is a problem which should be—concerning which, inquiry should be made of the manufacturers of the manmade fabrics. We can only judge on the basis of complaints that are filed with us by the public and we have not had, as I understand it, any considerable number of complaints concerning the reusing or the reclaiming of the manmade fabrics, but it is a subject which this committee should make, or upon which this committee should make diligent inquiry.

Mr. MACK. Since you are very familiar with the requirements of the Wool Labeling Act, I thought you would also have been acquainted with the problem in the case of textiles.

Mr. KINTNER. We believe that it would probably be desirable to carry over the same approach into the field of the other fabrics.

Mr. BEAMER. Mr. Chairman, if you would yield, I would like to ask a question in that connection?

Do you anticipate that you could carry on the requirements of this particular bill, if it were enacted, with your present staff?

Mr. KINTNER. No, sir. I would judge that enforcement of the current act, the current bill, if enacted by the Congress, would require something on the order of a minimum of \$150,000 to \$200,000 per year. We currently spend——

Mr. BEAMER. Salaries and expenses?

Mr. KINTNER. Yes, sir. That is total expense.

We currently spend about \$328,000 for the enforcement of the Wool, Fur, and Flammable Fabrics Act, and I would estimate that Congress would need to appropriate a minimum of \$150,000.

Mr. BEAMER. More?

Mr. KINTNER. More, if this legislation passes.

Mr. MACK. And that is in the case of either bill?

Mr. KINTNER. That is correct, sir.

Mr. MACK. The cost would be roughly the same.

Mr. KINTNER. The problem is that of covering a large number of new fabrics, and I think that this committee would be justified in anticipating that the number of new fabrics will increase in the future and that creates an increasing enforcement problem.

We could, of course, engage in a considerable amount of additional enforcement, simply because we have an existing organization and personnel trained to this type of enforcement. The expense of new legislation would not be nearly so great as it would be had we not had the previous experience and have on hand a staff which is currently enforcing like legislation.

As a matter of fact, the same people enforce the three labeling acts under Mr. Hannah's jurisdiction. The approach is quite similar.

The techniques are somewhat similar.

Mr. BEAMER. That is the reason I asked the question, because I was thinking about the enforcement problem at the same time——

Mr. KINTNER. With the same staff.

Mr. BEAMER. The same staff?

Mr. KINTNER. The same staff would enforce the new legislation but without an increase in the staff I am afraid that there would be many more violations of the current bills than is true today, and certainly many violations that could not be detected if our staff were required to enforce new legislation. This pending legislation covers a potentially vast field and we would be remiss in our duty to Congress if we did not frankly state that some additional appropriation would be necessary in order to adequately enforce the pending legislation, in order to continue to adequately enforce our other legislation.

Mr. BEAMER. If I might ask, in the experience of the Commission, has it been necessary to increase the staff when the other bills were added? You had first the Wool Labeling and the Flammable Fabrics and Fur Labeling Act. Has it been necessary to increase the staff as additional bills were enacted?

Mr. KINTNER. Some increase was necessary in connection with the fur labeling bill, although, as I recall, for perhaps 2 or 3 years, the Congress did not give us the money to enforce the fur labeling bill, but so many complaints arose that the Commission was not adequately enforcing that legislation, and the Congress appropriated some additional money for enforcement of the legislation, and we were able to take more actions in the field and to enforce the act much better than had been the case before.

Mr. BEAMER. After the bill has been in effect a certain number of years, do you find you have as much requirements for enforcement or inspection as you had when it was originally placed on the statute books? I am wondering if it is necessary to continue with a large force over the years, or just for a sufficient number of years until the public becomes accustomed to it and realizes it is a requirement?

Mr. KINTNER. I would say that continuing surveillance is necessary, that once the business community finds that the Commission has let down in its effort or has cut down in its inspections, the violations that originally resulted in the passage of the legislation again occur. Some of these gentlemen, and they are by all odds a very small minority, persist in practices which are detrimental to the public, and that is part of human nature, and I am sure that human nature will not change in that respect.

Mr. AVERY. Mr. Chairman, just a short question.

How do these field inspections work? Do you have experts to make a visual analysis of the products or do they have to bring suspicious samples into rather complicated laboratories on that?

Mr. KINTNER. I will ask Mr. Hannah to reply.

Mr. AVERY. We don't want to consume a lot of time.

Mr. HANNAH. We have a staff of investigators, Mr. Congressman, who police the requirements. They are semiexperts or experts in this particular field under the Wool Act and the Fur Act and the Flammable Fabrics Act. Whenever they physically examine the products for labeling, they are so equipped that they can suspicion a misbranding merely by looking at the products; and also, of course, they can pick up leads from other avenues, such as very, very low price, for example, on cashmere products, and they would know, and if there is any doubt in their minds they would pick up samples. We have a small one-man screening laboratory that we use to determine whether or not there is really any basis for the suspicion. If there is, we go ahead and make a full-scale investigation to see what the violation is.

Mr. AVERY. Do you ever make any inspections except on complaints? Are you continually policing and making spot checks?

Mr. HANNAH. Most of our cases are brought on complaints arising out of our own inspections. We do have quite a few complaints from competitors and the like, and the public; but most of our cases arise as a result of our own inspection work.

Mr. KINTNER. We do have, as I understand it, an inspection program, quite apart from the complaints received from the public and from competitors. We have stationed, in each of our field offices throughout the country, investigators attached to this Division of Wool and Fur and Flammable Fabrics Labeling.

Mr. HANNAH. I might say, to the committee, that this particular type of legislation, "consumer legislation, is practically worthless simply as another statute on the books; unless it is policed, it will be forgotten in short order.

Mr. KINTNER. I know of no area in the Commission where greater good is done with less money than in the enforcement of these 3 statutes, with the approximate \$328,000 which Congress gives us to enforce these statutes. The protection to the American consumer is very great, and, in fact, all out of proportion to the relatively small amount of money spent for that purpose.

Mr. MACK. I think that is a very fine thing. However, Congress is constantly confronted with the question of economy in Government and we must also consider the additional costs by the passage of certain legislation here.

Personally, I feel that the Commission has done a very effective job, particularly in enforcing the provisions of the Fur Labeling Act.

Mr. KINTNER. Mr. Chairman, we are well aware of the necessity for economy, and we hear it from Congress every day.

As a bit of special pleading, I might point out to the committee that the Federal Trade Commission today is somewhat unique among Government agencies in that it has very few more employees than it had about 40 years ago, and this, in the face of many more laws assigned to the Commission to enforce, and in the face of an economy

that has multiplied many, many times since the 40-year period began.

Mr. MACK. The committee was very impressed with your statement before the full committee in that regard earlier this year.

We have with us today both of the sponsors, and we are very happy that they are here, Mr. O'Brien of New York, and Mr. Smith of Mississippi. My colleague, Mr. O'Brien, has been very much interested in the bill that he is sponsoring. There is one thing he is particularly interested in. That is the requirement for foreign products being imported into this country. What requirements are there presently for defining the content of the materials which would come in, in respect to wool?

Mr. HANNAH. The Wool Labeling Act covers imported wool products in the same manner as it does products marketed within the United States.

Mr. MACK. What jurisdiction do you have over manufacturers in foreign countries?

Mr. HANNAH. Of course, we can't reach them with process, Mr. Congressman; but we do, under the Wool Labeling Act, have jurisdiction over the goods themselves. We can get them in "in rem" or seizure proceedings. That might be another additional point that Mr. Kintner failed to bring out—in instances, where we are unable to bring actions "in personam," we might be able to proceed directly against the goods themselves, as they enter the country; also, we would have jurisdiction against the importer of the goods.

Mr. KINTNER. Translated in practical terms, Mr. Hannah is testifying that if you can seize the goods coming from abroad, you may be able to effect the necessary amount of enforcement. As a matter of fact, while we have no jurisdiction over foreign businessmen, the minute they do business in competition with American businessmen, we have other ways of securing jurisdiction over their operation in America.

Mr. MACK. How do you go about keeping someone from exporting reprocessed wool to England or some other country and then keeping that from coming back in under the pretense that it is new wool?

Mr. KINTNER. Our inspection at this end of the transaction would disclose whether or not the product is improperly labeled.

Mr. MACK. There seems to be slight difference of opinion on that.

Mr. KINTNER. I am not testifying that there are not violations of the law through that medium. I would suspect probably there are.

Mr. HANNAH. With respect to imported wool products, Mr. Congressman, we do, from time to time, sample them the same as we do products manufactured locally. Now, I think I realize the problem which you are pointing out—the difficulty in distinguishing reclaimed wool from some of the other fibers which can be classified as wool.

In this country, we primarily use the record required to be kept by manufacturers to prove our cases. We do, however, and it is possible to get a very good picture from microscopic examination as to whether or not the fibers have been reclaimed.

Mr. MACK. Is it not correct that the only way you can tell is by the dye in the fiber?

Mr. HANNAH. No, sir. There are various other ways. Primarily, it is a microscopic examination of the fiber. A wool fiber contains, as you gentlemen probably know, hundreds or thousands of small scales up and down the fiber and because of its construction, this is

one of the things that gives wool its important characteristic of resiliency or makes it spring back when bent out of shape. Now, these fibers wear, break, bend, etc., under use and reclaiming which becomes apparent under the microscope and it is easy to distinguish or sustain our suspicions at the least presence of reclaimed fiber in the product.

Mr. MACK. Are you talking about reused or reprocessed?

Mr. HANNAH. Reused, shoddy mostly.

Mr. MACK. There have been some very strong statements made concerning reprocessed wool, to the effect that experts have extreme difficulty in determining it.

Mr. HANNAH. They do have difficulty, Mr. Congressman, but it is not impossible. I am told by one of the foremost scientists in the country that it is possible, and he will express an opinion on it as an expert.

Mr. MACK. Well, this scientist that you refer to would state, I presume, that he could determine in all cases whether the wool was reprocessed, if this was passed into law?

Mr. HANNAH. He has told me that he would, as an expert, give his expert opinion that a product contained these broken and damaged fibers which would be indicative of reclaimed wool.

Mr. MACK. Is this scientist or expert employed by the Federal Trade Commission?

Mr. HANNAH. No, sir; we couldn't afford him.

Mr. MACK. Then I get the inference from your statement that it is possible for reprocessed wool to be imported into this country—and perhaps even labeled that way—and pass your inspection or your inspectors without being detected in some instances?

Mr. HANNAH. There is a possibility of some of it getting by. We don't know of any instance in which it has. We primarily, in those circumstances, must depend upon a competitor calling a suspicious situation to our attention, and then, we make a very thorough investigation of that situation.

Mr. KINTNER. You raised the most difficult problem under the Wool Act, Mr. Chairman—your question on this particular problem.

Mr. MACK. Thank you very much, Mr. Kintner. We appreciate your statement this morning and we appreciate the time that you have spent with the committee.

Mr. KINTER. May I say, sir, that on behalf of myself and the two gentlemen who accompanied me, that we appreciate very much your courtesy in this hearing and that the Commission has always appreciated the courtesy and understanding of this committee.

Mr. MACK. Thank you very much.

Mr. KINTNER. It has been a matter of considerable satisfaction to the Commission to know that here in this committee it has many friends and much understanding of its problems.

Mr. MACK. Well, this committee has the same feeling toward the Commission, and we are rather proud of our former colleagues, now serving on the Commission.

Thank you very much for your statement.

Mr. KINTER. Thank you, sir.

Mr. MACK. Is Mr. Bernard Schapiro here to testify?

(No response.)

Mr. MACK. We have a representative of the National Retail Furniture Association who will testify this morning. I think there has been an agreement reached among these Furniture Associations for Mr. Derek Brooks to testify.

Mr. Brooks.

**STATEMENT OF DEREK BROOKS, MANAGER, WASHINGTON OFFICE,
NATIONAL RETAIL FURNITURE ASSOCIATION**

Mr. BROOKS. Mr. Chairman and gentlemen——

Mr. MACK. Mr. Brooks, if I might interrupt you.

Mr. BROOKS. Yes, sir.

Mr. MACK. Are you testifying for all of the group, or will the other representatives testify subsequently?

Mr. BROOKS. No, sir, I am going to testify only for the National Retail Furniture Association. The other gentlemen would like to follow me. They are all from out of town, and if you have problem of time, Mr. Chairman, I could present just a summary of our statement here, if that would be of any assistance to you in connection with the appearances of the representatives of other associations in the furniture industry who have come from out of the city—if that would be helpful to you.

Mr. MACK. It was my understanding that one detailed statement was going to be made and then a supplemental statement would be made. However, if you would like to submit your statement and then comment on it, or read your statement, it is all right.

Mr. BROOKS. I would like to read the statement, Mr. Chairman.

My name is Derek Brooks. I am manager of the Washington office of the National Retail Furniture Association. I am appearing here in place of Mr. Robert E. Carter of the Hub Furniture Co., Inc., Baltimore, who is chairman of our governmental affairs committee, and who is unavoidably absent.

He has directed me to present this, his statement, to you.

This statement is submitted on behalf of the 8,500 furniture and homefurnishing stores represented by the National Retail Furniture Association.

The association was founded in 1921. Annual sales of NRFA members account for about 85 percent of the homefurnishings stores sales.

Mail order houses, department stores, contract and hotel equipment outlets do a substantial additional amount of business.

The association recommends that exemption from the provisions of H. R. 469, H. R. 5605, and H. R. 6524 should be granted for upholstery fabrics, draperies, and carpets, rugs, and mats.

The bases of the NRFA request for an exemption are as follows:

First. Upholstery, carpets, rugs, and mats are now specifically exempted from labeling requirements under the Wool Products Labeling Act. H. R. 5605, H. R. 6524, and H. R. 469 would nullify this exemption.

Second. Compliance with the proposed laws would impose an unreasonable administrative burden and hardship on furniture and homefurnishings retailers.

Third. The legislative history of these proposals shows that the bills are designed to deal with the problems encountered in advertising

and selling, laundering, cleaning, and ironing items of wearing apparel, garments, clothing, household linens, sheets, pillow cases, and so forth. Merchandise in these classifications presents problems quite different from furniture.

We question whether this legislation was drawn to deal with problems encountered in the furniture business.

Fourth. The retail furniture trade, through NRFA, has been taking part in a voluntary industry program designed to obtain for consumers satisfactory performance of upholstery and drapery fabrics. The proposed legislation cuts across this voluntary industry program.

Mr. Chairman, I would like to elaborate on each of the points now.

(1) Conflict with Wool Products Labeling Act of 1939: The Federal Wool Products Labeling Act of 1939, Public Law 850, 76th Congress, section 14, reads: "None of the provisions of this act shall be construed to apply to the manufacture, delivery for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholstery, nor to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholstery.

The effect of this section is that upholstered furniture does not have to be labeled under the Federal Wood Products Labeling Act of 1939.

If any of the bills become law, as they now read, the effect would be to nullify the previous action of Congress set out in the section 14 quoted above.

(2) Compliance would cause unreasonable hardship: The bills would penalize the honest retail furniture merchant, subject him to hardship, and impose on him a heavy legal burden and responsibility. He would be faced with tremendous problems in keeping samples on cut-order goods labeled. He would be exposed to expense to see that the labels are properly attached to all upholstered furniture. It would be difficult for him to maintain and explain these labels on the sales floor and would eliminate the majority of the custom ordered upholstery business. Manufacturers could not be responsible for the fabric or content of material supplied by the retailer for completion of custom orders. This represents, for many furniture retailers, more than 50 percent of their upholstery business in the above-medium type merchandise.

The brunt of these bills will fall on the back of furniture retailers, because of the multiplicity of sources with which they deal. The problem of preserving identification tags describing the fiber content on the top of a footstool, or the upholstery on a boudoir bench serves to illustrate the type of administrative burden which would be thrown on the furniture retailer.

One of the problems for furniture retailers is that if the tags are pulled off merely in the usual handling of furniture there would be nothing to show what the fiber content of the fabrics are. Retail furniture stores would be held responsible then for portrayal of information beyond their own power to secure. They would be exposed to the risk of being accused of mislabeling on furniture which they do not themselves manufacture.

Because a furniture retailer obtains his merchandise from a multiplicity of sources, his cost of keeping track of the fiber content of each fabric used would be proportionately a much heavier burden for

him than for a manufacturer. The variety of fabrics which may be on furniture in his store could be enormous, yet each one would involve its own separate labeling expense and recordkeeping.

(3) The legislation is based on problems of the textile trades, not the furniture trade: The furniture retailer is not primarily selling fabrics. He is selling furniture, and fabric is incidental to the furniture business.

The furniture industry markets products which are not in competition with retailing of wearing apparel, blankets, sheets, towels, pillowcases, clothing. Furniture distribution follows the channels of the homefurnishings industries, not the textile industry. Yet it would appear from the legislative history of these proposals that they have been drawn with the problems of wearing apparel and household linen in mind, and without regard for the actual conditions existing in the retail furniture trade.

The whole concept of the proposed legislation appears to be in terms of problems involved in laundering, washing, drying, ironing, and the treatment ordinarily given to clothing and household linens.

Evidence of this is indicated in the following testimony in 1956, by one witness who says:

This lack of knowledge is particularly serious to the economy of the country because of unnecessary waste and damage to textiles through careless usage including washing and ironing, simply as a result of lack of knowledge on the part of the consumer that a low melting synthetic fiber is present in sufficient quantities to make it heat sensitive to a hot iron, or that one or another of the fibers present in the fabric may be damaged by exposure to commercial laundry bleach or some other common destructive element.

It is contended that such a statement would not have been written if the witness had upholstered furniture in mind.

(4) Upholstery fabrics performance standards are the way to protect consumers: It is the considered opinion of NRFA that mandatory labeling of upholstery fabrics, draperies, carpets, rugs, is not the correct approach to the objective of protecting consumers. To help consumers obtain satisfaction from purchases of upholstered furniture, and so forth, the following comments are offered, based on the knowledge and experience of NRFA members:

A. The way to protect the consumer and buyer is by the development of textile performance standards, particularly with reference to upholstery and drapery fabrics, and floor coverings.

B. Mere disclosure of fiber content does not give the consumer the necessary amount of information regarding the quality of the fabric or the performance than can be expected.

C. It is the proper construction and finish of the fabric, and its quality, rather than the relative quantity of the fibers used that contribute to satisfactory performance.

D. Consumers cannot determine the performance ability of fabrics from mere disclosure of the relative quantities of each fiber.

E. Emphasis on relative quantities of fibers in fabrics alone tends to deceive consumers into thinking this is what is important in judging what performance can be expected from a fabric.

F. The choice of the right fabric is far more than just selecting the right proportion of fibers by weight.

G. Minimum performance standards such as those developed by the National Association of Furniture Manufacturers and the Upholstery and Drapery Fabric Manufacturers Association offer a realistic ap-

proach to the problem. These standards deal with the question of: Evenness of color, uniformity of color, colorfastness to sunlight, tear strength, break strength, fuzzing, and stretching.

All of these factors are of equal importance to the question of fiber content by weight.

We respectfully urge the committee to adopt the necessary amendments to H. R. 469, H. R. 5605, and H. R. 6524 which would have the effect of exempting upholstery fabrics, draperies, carpets, rugs and mats from the provisions of these bills.

We appreciate the opportunity to present the views of the National Retail Furniture Association to the committee.

I might add this, Mr. Chairman, that the gentlemen representing the other associations in the furniture industry who are here, are prepared to collaborate on some of the more technical points which I just touched on here.

Mr. MACK. Thank you very much. We will try to hear the testimony of all of your associates who are here today.

Are there any questions?

Mr. Dollinger?

Mr. DOLLINGER. Yes.

You speak of the difficulty in labeling some of the products. As a matter of fact, isn't there a labeling process now in existence with respect to upholstery that you stuff in the back, and things like that, don't you have a labeling requirement?

Mr. BROOKS. There are State bedding laws.

Mr. DOLLINGER. That's what I mean.

Mr. BROOKS. Yes.

Mr. DOLLINGER. That is just a State law, is that it?

Mr. BROOKS. There are State laws; yes.

Mr. DOLLINGER. Does that impose a hardship upon the retailer or manufacturer to comply with that requirement?

Mr. BROOKS. I can't speak directly to that point for the manufacturer. The responsibility for the initial labeling rests primarily on the manufacturer and I believe one of the witnesses who will follow will explain what is involved for them in the multiplicity of the State laws, State bedding laws.

Mr. DOLLINGER. Your industry does not manufacture the fabrics that go into upholstery, they are manufactured by another source; isn't that so?

Mr. BROOKS. The retailer does not manufacture.

Mr. DOLLINGER. And your line is specifically what—

Mr. BROOKS. We are the retailers.

Mr. DOLLINGER. Retail furniture association?

Mr. BROOKS. We are retailers of furniture.

Mr. DOLLINGER. It would not be a hardship upon your part if such legislation were enacted because it would be a direct burden on the part of the manufacturer who would sell you these articles to label the thing properly, the person who would sell the upholstery fabric would have to label each fabric as he sells it; am I right in that interpretation?

I am trying to find out.

Mr. BROOKS. Yes; so I understand.

Mr. DOLLINGER. How difficult would it be for the retail furniture man himself? Wouldn't he be in better position to be able to sell to

the public articles of furniture which are properly labeled, so that the consumer would know when he went into a store that he was getting what he wanted, and he wanted certain representations of the manufacturer who sold the retail man, and he would have it properly labeled and he wouldn't have to guess and he wouldn't have to hem and haw, he would know he was buying something, and not a pig in a poke.

Mr. BROOKS. I believe part of the difficulty arises, Congressman, because upholstered furniture, to a large extent, is a custom business, and fabrics are ordered to be put on the furniture at the time the furniture is ordered.

Mr. DOLLINGER. Exactly.

And the person who makes the furniture on order buys from the manufacturer, who would have to label it properly if this law were enacted, so it would not be a hardship on that person who manufactured the furniture; he would have a properly labeled fabric which he could make up into the furniture.

Mr. BROOKS. As I understand the bills, there is a responsibility on the retailer to see that the labeling is maintained, and a responsibility with respect to his advertising.

Mr. DOLLINGER. But if he were buying this thing from a reputable manufacturer, he wouldn't have any worries. This might be designed to prevent the retailer from buying goods from people he doesn't have have any confidence in.

Mr. BROOKS. It seems to me, Mr. Congressman, that if he is buying from a multiplicity of sources, he cannot depend only on the label that is attached to the furniture, he is going to have to make records.

Furniture is an item which goes through a considerable amount of moving around, and I have been told by one of our members that the problem of keeping labels now on furniture, in the course of moving furniture around, is one of the biggest headaches in this field, and to rely solely on the information that comes on the label without maintaining the same information on office records might very quickly leave him in a position where he no longer knew what the content was.

Mr. DOLLINGER. I can appreciate that.

The objection might be run into in buying a lot of remnants and putting them together; wouldn't that be so?

Mr. BROOKS. I think that might be one.

Mr. DOLLINGER. That's all, Mr. Chairman.

Mr. MACK. I wanted to ask about the performance basis for labeling, as you have suggested in here.

Would not that be quite an ordeal to determine the labeling on the basis of performance of the material?

Mr. BROOKS. I think, if I understand your question correctly, Mr. Chairman, that the difficulty will be in originally selecting fabrics which have some performance standards. That does involve a great deal of technical knowledge, and technical planning, to select fabrics and design fabrics which meet certain performance standards.

Mr. MACK. Under 4 (a), the way to protect the consumer is by the development of technical performance standards. You don't have reference to labeling on the basis of performance; do you?

Mr. BROOKS. That point was not directed particularly at labeling. I think, as a general statement, I can say we do not feel that labeling

is, in itself, the solution to the problem of protecting consumers, so that when fabric is bought it gives a satisfactory performance over a period of years. There is much more to it than labeling.

Mr. MACK. I thought you were suggesting that if it is necessary to have labeling, that you should have a performance standard rather than percentage standard or predominance.

Mr. BROOKS. No, sir; that was not our intention.

Mr. MACK. I have no further questions.

Thank you very kindly, Mr. Brooks.

Mr. BROOKS. Thank you, sir.

Mr. MACK. Is Mr. John M. Snow present, of the National Association of Furniture Manufacturers?

Mr. SNOW. Yes, Mr. Chairman.

STATEMENT OF JOHN M. SNOW, EXECUTIVE VICE PRESIDENT, NATIONAL ASSOCIATION OF FURNITURE MANUFACTURERS

Mr. SNOW. Mr. Chairman and members of the committee, I am John M. Snow, executive vice president of the National Association of Furniture Manufacturers.

We represent a very broad cross-section of the furniture industry, and I think it is safe to say that we represent manufacturers from the largest in the industry down to the smallest.

I imagine that many people talk about small business here in Washington. I do not know of any industry that is more typical of truly small business than the furniture industry.

Furniture is manufactured, as far as we can tell from Government reports, in about 46 out of 48 states.

In 1953, just to give you an indication of the smallness of our industry, 150 companies only did a million or more dollars a year in upholstered fabrics; 471 did from \$200,000 to \$1 million; 404 did under \$200,000 a year.

That gives you a total of 1,025 manufacturers that are indicated as doing upholstering, furniture manufacturing, and we are certain that there is a large multitude of others which the Government has not been able to reach in its tabulation because there are so many small one-man upholstery shops scattered throughout the country.

The industry actually has, as far as we can tell, about 3,000 manufacturers that might legitimately be called furniture manufacturers. Their 1956 volume was approximately estimated at \$2,800,000,000, but as the figure I gave before would indicate, about 85 percent of the upholstery manufacturers do less than \$1 million a year in volume.

As a consequence, there are small companies operating with a limited number of employees and confronted with a multitude of problems now in taking care of their business. They, frankly, are not looking for added work which will not produce for the customer what the proponents of this legislation feel that it will do insofar as upholstery fabrics are concerned.

We raise no quarrel with the purpose of the legislation, insofar as the other products that might be included on it. We do question the validity and use of the legislation insofar as the outer coverings of furniture are concerned.

As I mentioned before, there are an unknown number of smaller upholstery manufacturers and reupholstery manufacturers who evi-

dently would not be subject to the effect of this act, if I interpret correctly the comments made by the Federal Trade Commission people who were on here earlier.

I think we might point out, too, that quite a large number of the major stores in the country buy very heavily from a manufacturer who is right within their own State. They, too, would not be subjected to the effects of this act.

We feel that the proposed legislation would impose a very costly time-consuming and difficult tagging operation on small business and would raise the cost of the product to the consumer, and the raise in cost would not be relative, in our opinion, to the value that the consumer would derive from the knowledge which he would obtain through the proposed tagging of the furniture.

Several years ago our industry became interested in the problem of upholstered fabrics. With the advent of TV and the modern home, it became apparent that upholstered fabrics were being used many, many more times than they were years ago when the living room was known as the parlor, and it was somewhat of a sacred place and there was not a great deal of usage put to the upholstered furniture there.

Now, that was approximately 2½ years ago when we made a survey among all of the leading upholstery manufacturers as to the types of complaints which they were receiving from the retail field and the consumers relating to upholstered furniture.

We asked them to rate those complaints in the order of the importance in which they were receiving them. Our surveys showed the first problem was wear and fuzzing; the second was the lack of uniformity in color; third was in fading; the fourth was in streaking, and the fifth was in stretching.

We do not feel that this law would in any way meet those problems insofar as the consume is concerned.

We do feel that performance standards would develop information that would be helpful. One of the manufacturers in our industry who has been doing a lot of work in the field of testing told me a while ago that as a result of the testing process they eliminated 30 percent of the fabrics that were being offered to them.

I don't think it was the intention in proposing the possibility of performance standards that this would be a substitute for labeling, but our thinking was that the shoddy fabric or fabrics that would not stand up under normal consumer usage would be eliminated at the manufacturer's level before it ever got down to the consumer's level.

We have carried on this work in conjunction with the Upholstery and Drapery Fabric Manufacturers Association and we expect to continue our work until we have reached what we feel is a very broad cross-section of the problem and the standards that are needed.

We plan, too, as we make more progress, to review these standards that are being developed with the American Standards Association and ask them to promulgate them, insofar as their normal operation is concerned.

We feel that there is much more of a problem insofar as the consumer is concerned, in their lack of knowledge of the construction of a fabric that is used to upholster furniture. There are multitudes of construction that can be made, and it is that that will determine the usability of a fabric, rather than necessarily its textile fiber content.

As was mentioned before, the upholstery furniture industry is pretty much of a custom-made product. A specific suite of furniture is made specifically to order from a retailer who has already sold that particular suite to a consumer. It is not generally mass-produced. It does not have the same, perhaps, ease of labeling which might come out of mass-produced products such as you will find in the things that consumers wear.

We know, from a survey among manufacturers, that there are a staggering number of fabrics and colors that are used by even the most normal-sized manufacturers. One manufacturer, as a matter of fact, reported that he had as high as 2,000 different patterns and color combinations, and I think that you could appreciate that this would present pretty much of a staggering, costly problem if he has to label each one with its textile content when, in our opinion, that information would not do for the consumer what our survey indicates she wants to know. She wants to know how the fabric will wear.

Very basically, a consumer, it seems to us, picks a fabric because of the way it looks, and frequently furniture is not sold because a merchant does not have a fabric which appeals, designwise, to the consumer. We don't believe that the heavy emphasis is on the fiber side of it. We don't believe that the quality of a fabric is determined by the fiber content.

The proposed legislation, in our opinion, might be very close to impossible for the furniture manufacturer to comply with. We have no way of knowing the amount of furniture that could be sold outside the scope of the law, in view of the fact that it is made within a State or sold within a State, but a guess we made a while ago was, perhaps, it could be as high as 75 percent.

We feel, too, that our position is relatively no different than the automobile industry, which is not included in the intent of this legislation. The consumer is buying a tremendous amount of fabric through the purchase of an automobile and does not have, according to the legislation as I see it, any possibility of fiber identification labeling through the car they purchase.

Much furniture could be made and sold within a State and not have to meet the laws, as I said before, so it looks as though if you did enact this legislation you would be doing it to affect a relatively smaller amount of furniture sold, and you would be imposing a competitive hardship on some manufacturers as against other manufacturers.

A while back I discussed this legislation with some of the top people in the National Retail Dry Goods Association who, as I understand it, are among some of the people who have already voiced their support of it. They have indicated to me that the work we are doing in the field of performance standards is a very valid and worthwhile program.

They have indicated, too, that they feel that the complications of furniture fabrics and the construction problem should entitle us to some favorable consideration insofar as furniture fabrics being exempted from the act.

We have talked, too, to the Mail Order Association, which has indicated favor with the bill in its general broad purposes. They have commended us, too, for the standards work that we are doing, and have encouraged us to go on and do a much broader job.

We, therefore, respectfully ask the committee to give favorable consideration to exempting furniture fabrics from the intention of this act.

I am not presenting myself here today as a technically trained person in fabrics. I have with me Mr. Edward Fricker, who is the chief fabrics buyer for the Trailer Manufacturing Co. Mr. Fricker probably buys more upholstery of furniture fabrics than any other individual in our industry.

I will be happy to answer any questions you care to put to me. I would say, though, that my presentation is, in a way, coupled with his, since he can show you from a technical point of view the complication of construction, and he can show you that with specific samples that fiber identification does not in any way answer the problems that we learned from our surveys that the consumers are concerned with, as far as fabrics are concerned, that is.

I appreciate the opportunity to be here, and our association will be very happy to work with your committee in any way that would be helpful.

Thank you.

Mr. MACK. Mr. Fricker, would you like to testify now, and we can get both of you.

Mr. FRICKER. I think that might be better.

Mr. AVERY. Mr. Chairman, it might be well to state at this time I believe there has been a little misinterpretation in the testimony.

The purview of this proposed bill—if I understood Mr. Snow right, I believe he misunderstood the witness for the Federal Trade Commission.

Under their basic or organic act, they do not have jurisdiction over a product unless it enters into interstate commerce, but by the authority that is given them under this bill, they would, so that the provision would apply to both intra- and inter-state.

Mr. SNOW. Is it the intent of Congress to give them sufficient funds to supervise what is being done by tens of thousands of retailers all over the country?

Mr. AVERY. We haven't passed the bill yet, but I did think it might be well for the record to show, at this particular point, that under the bill as it is drafted it would confer to the Federal Trade Commission that authority beyond their basic authority that they now exercise today.

Mr. FRICKER. You mean, you could, in your central part of Kansas, if there was a manufacturer right there and he sold locally in the center of Kansas, he is also under it?

Mr. AVERY. He would be covered by the act, as I understand it.

Mr. MACK. The Chairman would also like to state that this committee does not have jurisdiction over the appropriations of Congress.

The Chair would like to state further that if this legislation is passed, we would hope that funds are provided so that the act could be enforced.

Mr. AVERY. I think we ought to state that that does not mean that we are expressing our views at this time, but just pointing out the fact that if we came to that conclusion, intrastate commerce would be covered under the act.

Mr. DOLLINGER. First things first.

Mr. MACK. All right, Mr. Fricker.

STATEMENT OF EDWARD FRICKER, NATIONAL ASSOCIATION OF
FURNITURE MANUFACTURING COMPANIES, INC.

Mr. FRICKER. My name is Edward Fricker, and I want to give you my background.

I was in the automotive industry and Fisher Body, and fabrics, and from there I went with another firm and finally with the Trailer Manufacturing Co.

And, as Mr. Snow said, we purchase about 6 million yards a year, more than anybody else, I think, but General Motors, in the whole world, so that with that as a preface, I will proceed to present some of these things.

Mr. MACK. I would like to ask at this point, did you say 6 million yards per year?

Mr. FRICKER. Yes, sir.

Mr. MACK. That is purchased by whom?

Mr. FRICKER. By myself.

Mr. MACK. By you as an individual?

Mr. FRICKER. By the Trailer Manufacturing Co.

Mr. MACK. All right.

Mr. FRICKER. The upholstery industry is a fancy goods industry, and I think most important, considering what we are talking about, it is different from sheets, pillowcases and lots of things sold more or less by the pound, and we are a style industry.

I think most pieces of furniture that are purchased, you walk into a store and you look it over and don't like it, or you are not particularly interested whether it is nylon, cotton, or rayon—it is visual and coloration that makes an impression upon you, and as I show you some of these samples a little later on, you will notice the wide variety of individual patterns, and most of them are brought about not because they wanted a different fiber content in the fabric itself but because of bringing out a certain texture or different physical feeling or different appeal or different coloration.

It has been the manufacturers' and retailers' responsibility to protect their customers. That has been a very selfish thing, if you want to take that viewpoint. We couldn't stay in business unless we, in the long run, satisfied and protected our customers, and to do that it has been very essential over the years to try to give them the longer wearing fabrics and things that would give them the most satisfaction from the service standpoint.

A very large share of the furniture sold today is sold on a time-payment basis, and if a suite of furniture were to wear out in a year, or a year and a half, and wasn't paid for, naturally there would be certain repercussions, they would refuse to pay the bill, and from that standpoint alone it has forced in the past many of the retailers to put a relatively good, even if it was an inexpensive fabric, one that would give considerable service on their product.

Now, generally, in an upholstery fabric, it depends upon the promotional retail price level that a store in a town wants to promote. In other words, if he wants to promote a \$199 article, he can afford to spend so much for a fabric; if he wants to promote something to sell at \$249, he can get a little better fabric, and they are exactly the same fiber content; if he wants to spend or to sell for \$590, he can get

exactly the same fabric content, except that the fibers are closer woven and it is more serviceable.

Now, there is a point which should be covered right here, and it is very important to your consideration, in which the fiber content has its place, and that is the pile fabrics versus flat. Pile fabrics, such as rugs, friezes, plain mohair fabrics; you recollect, I know, some of those things will give longer wear and service.

A flat fabrics is generally bought for its appeal. How do you like it? It's soft, there is the texture of it, and it is not bought primarily for service, although the fiber content of both could be exactly the same.

One other point that is most important :

Consumers are not technically trained and could not possibly differentiate or know what the individual fibers will do for them in a specific fabric. They don't know whether it is going to wear or isn't going to wear, they don't know whether it will stretch or won't stretch, whether it will fade or won't fade or any other service factor. There is not one in a million, from a retail standpoint, that would know the answer. In fact, in our own industry it is impossible for us to tell what will happen——

Mr. DOLLINGER. You say the consumers don't know?

Mr. FRICKER. That is correct. And even as a buyer, and all the other buyers in the country, we are not able to do it without physical testing equipment.

Now, retail customers in furniture stores, as evidenced by their numerous requests over the years, are primarily interested in the following, and that is: How will the fabric wear; will it fade; or color variations; is it going to fuzz or going to pile; will the seams hold in the cushion or will it point up; is it going to fray; will the fabric snag; will it soil, and if it does soil will it clean easily; will it stretch; is it going to mat down, for example, with perspiration and pressure; and, is it a straight fabric; is it tailored well?

Those are things that have been brought to our attention over a period of years as the information wanted by our customers in retail furniture stores, and ultimate consumers.

We know of little or no requests for the fiber content, with the exception of the nylon fiber. That is the only fiber that is considerably talked about to any degree at all in the furniture level.

Mr. DOLLINGER. You say you don't know?

Mr. FRICKER. I say it is not brought to our attention by our 10,000 dealers.

Mr. DOLLINGER. You don't know whether the consumers are interested in that, do you?

Mr. FRICKER. Well, as having traveled for 10 years in retail stores, being in a retail store for a month, and going on to another, for example, being in Hecht's for a month, and Barker Bros., in Los Angeles, for a month, Marshall Field's for a month and so forth, and having worked with retailers for 10 years on that type basis, the number of requests or the questions asked in regard to fiber content is so seldom, that you can almost disregard it with the exception of the nylon fiber.

Mr. DOLLINGER. One question at that point: Doesn't the consumer ask a dealer to make a representation that this is a good product and that it will wear?

Mr. FRICKER. That's right.

Mr. DOLLINGER. How can the dealer make such a representation without knowing all of the elements that make up this product?

Mr. FRICKER. Because there are very few people in the industry, retailers as well as manufacturers or buyers of fabrics, that are in a position to tell you how a fabric will wear, how it will fade or won't fade, how it will clean or won't clean, snag or won't snag, without physical testing equipment.

Mr. DOLLINGER. If the man doesn't put that on the product, the dealer doesn't know.

Mr. FRICKER. Putting the percent content of the fabric—

Mr. DOLLINGER. You would want us to go further, would you?

Mr. FRICKER. Let me say this: The fiber content does not tell the story. If you would put a performance story, that is the thing that we have tried to put over. In fact, if you—

Mr. DOLLINGER. I am sorry, I wanted to get the information.

Mr. FRICKER. That's all right, sir.

A statistical record of returns for repairs for fabric complaints during the year 1954 for all of the plants combined, and this is just on fabric complaints, were—seams, bursting seams, seams bursting out representing 32 percent of the fabric complaints that came in, or all of our complaints; fiber failure represented 27 percent; wear 18 percent; fading 2 percent; and miscellaneous 19 percent, it was all over the lot, bleedings of yarn is generally used for design effects, and color requirements, visual effects of softness of texture, and, generally, the last thing is for price.

Few buyers of upholstery fabrics, even though employed by manufacturers of furniture, are qualified or able to appraise the fabric as to its wear, fading, and so forth, unless they have physical testing equipment.

Now, our industry has had more complaints about fabrics in the last several years than in any other previous period, and one of the principal reasons has been fiber failure or its inability to withstand the requirements of our industry.

For example—a costly adjustment by the manufacturer of furniture, upholsterer, supplier, retail furniture store outlets, as well as many dissatisfied customers throughout the country, are thousands of suits of furniture that had to be replaced by the furniture industry because of nylon and dralon fiber, and thick and thin rayon, having not set up to the requirements of our industry. These fibers were presented to us highly desirable, they were highly advertised and promoted by the originator, not by ourselves. Unfortunately, in the past, it has apparently been all right at the yarn level to do that. Nylon was introduced before the fiber was ready for our market. It was a fine fiber in other fields but didn't come up to the requirements in our particular field. It was overpromoted and more complaints developed on this fiber than any other since curly mohair was introduced. Incidentally, I noticed one of the questions earlier about reclaimed wool, that one of you gentlemen asked, and that is a problem that has been prevalent in the upholstery industry and there is a considerable amount of reclaimed nylon used in the fabric, and of course there is no way to tell, but you could say 100 percent nylon, and it would be reclaimed nylon, which is a dull fabric, and that would mat

down and fuzz easily and has a lot of indiscernible characteristics, but it is still sold as 100 percent nylon upholstery.

Mr. MACK. It is almost impossible for them to determine that.

Mr. FRICKER. You were correct in what you said, yes.

I think probably all of you have had the experience, when nylon was originally introduced in hose, and right down here at the heel of your shoe it piled up, fuzzed. That was a problem that existed with the upholstery fabric industry. And it cost thousands of suits that had to be adjusted and returned because of that very thing, and that is the thing that happens with reclaimed nylon.

Another important recent example was the thick and thin rayon. This also was prematurely introduced. The fiber fuzzed badly and fell by the wayside.

Another fiber had a successful start and never held up to the promises made by its introducers.

Now, dacron, I believe, is one of the finest textile fibers ever presented to our industry. However, there were too many things wrong with it at its original presentation, and it fell again by the wayside.

So, in 1954, it became necessary to establish a trailer upholstery fabric testing laboratory to test all fabrics because of all of these adjustments that were being made and, incidentally, gentlemen, it was costing us \$250,000 a year in adjustments of all these various things that we have just been talking about. The outlay in time and repairs ran to about a quarter of a million dollars, in spite of the fact that we, as a company, use well above the average used in the industry.

Now many times in the past, various mills attempted for the sake of their customers, and that is also the consumer, to establish construction standards, in fact, we have talked with our suppliers for years about construction standards. So many picks, so many ends, and some twistings in yarns and so forth, and we got to the place where we found that each mill has their own set of looms that have different characteristics, they have different weaves, and to standardize on that, you would have to have them all with the same type of loom, so we finally came to the conclusion, in talking with our customers, with our competitors, and all of the manufacturers, with the mills and suppliers, that the only way to handle this problem was a performance standard, so we went out at that time to find out the complaints that were being brought into our plant, and we started right down the line with wear, fading, cleaning, all of the things I listed originally, and we took 1 at a time, and have gone through and tried to set up performance standards, and since 1954, we have set up, I think, 6 or 7 standards. We are working on 2 or 3 more and today we are—where in 1954 it cost us a quarter of a million dollars, our adjustments and our complaints, I would say on returns because of fabric complaints—today it is practically nothing, and that is just a tremendous thing. It cost us a lot of money to do it but we have saved a lot, plus the fact that we are giving the customer today much more desirable fabric from a service standpoint.

Let me show you some of the fabrics, for example, that are not permitted in our line.

Fuzzing is a very big problem in the industry, take on the arms of a sofa, someone will rub it with perspiration, and pretty soon after 6 months the whole arm gets fuzzed, and that's what happens to a

fabric when it fuzzes. I don't know whether you can see it where you are [indicating sample].

Mr. MACK. Is that a fabric normally used in the furniture industry?

Mr. FRICKER. Yes, sir, these are all fabrics that have all been presented to us. We tested this for fuzzing, stretch, seam burst-out, tearing, all the things we have had trouble with.

Here is a very desirable fabric, this is a viscose, it is a high-priced 100 percent nylon, very desirable fiber, and you could put on there 100 percent nylon, except for the white decoration there which is very minor, and this fabric fuzzed worst probably than any fabric presented to me this year.

Here is another example of it. Here is a seam slippage and here is the same fabric broken right out in the bursting test.

Mr. MACK. Was this all tested in your plant?

Mr. FRICKER. That was all tested; yes, sir. This was called to the mill's attention and the mill took the fabric off sale.

Mr. SNOW. Fiber content had no relation to it.

Mr. FRICKER. This is 100 percent nylon and a very desirable fabric from a visual standpoint.

Now, I will go into that. This is 100 percent nylon fabric that we were considering with this new April market coming up, and samples originally looked very good. We had samples so we took them and tested them and 3 days ago this fabric was thrown out of the line, and also, the mill has withdrawn it from sale, 100-percent nylon fabric.

This is a low-priced fabric, not a promotional fabric, and just to look at it I think you can see that it is not highly desirable, not as highly desirable a fabric, although you can see that it is 100-percent nylon.

Now, when we speak of frieze, that is just the surface. All friezes are let's say 99.4, friezes have cotton backs because if you made them all nylon, they just wouldn't hold because of the slipperiness of the fiber, you have to have a cotton to hold it.

Here is a cloth that has a nylon cotton combination, for example. These are all marked with their fiber content, I think. You will notice, for example, that cotton has fuzzed very badly.

That fabric there is a cotton in a twisted design, and there is nothing wrong with cotton itself, it's a fine fiber, but in that particular cloth it didn't come up to the requirements. And that is what would happen after a very short time.

Mr. SNOW. That's a common thing to hear about, and the fibers that shed.

Mr. FRICKER. Here are two lower-priced fabrics in chromespun, rayon coloration, doesn't fade readily as other yarns and you will notice that these have fuzzed, so our question always is to the place that supplies us, we would rather have a fabric that might fade a little over a period of time, but don't give us this problem, if this is the thing we have to put up with because that particular yarn, that fabric, as it is made, was subject to fuzzing, and yet the contents, you will see, are the same as the others, and they have fuzzed very badly.

There is another one with a cotton content and that, because of the heavy yarn, has fuzzed, but that also has been taken care of, and that company, just as we have the spun rayon or any other fiber, that

would have fuzzed, and would have changed, here is another nylon fabric, high-priced, a beautiful fabric, and we would have liked to have put it out but it fuzzed and that has been taken off sale.

Here are two fabrics, I think, basically the same yarn content. This one acetate and viscose, and this is acetate and viscose, approximately the same, and approximately the same visual effect if they were in the same color.

This fabric fuzzes very badly, this one you can't raise a hair on it. With all the tests we find it to be a very highly desirable fabric.

We went into this. The fabric contents are basically or practically the same. This gives service, this doesn't. This snags easily, this does not.

Here is another bad example of fuzzing.

Now, 2 years ago I could show you many more tests on seam slippage, because at that time, when seam slippage was one of the most important factors—here is the result of a test, it pulls apart, see how it comes out, but in the last year we have had relatively few complaints on seam slippage, we have had relatively few complaints on fabric tears, on bursting out because we put a greater effort on that about 2 years ago.

Here is a fabric, an example that crocked up, the color came out and acetate, very fine, the fiber was good in this particular construction, and in dyeing, the thing didn't hold its dye and it was a matter of replacing that.

Here is a very desirable cloth, and it is a very lovely cloth, and again it wouldn't hold its dye, and it was a matter of calling that to their attention and the yarn content had nothing to do with the matter of construction, and the dyestuffs they used.

Here is another highly desirable cloth that tore very readily and their strength was 6 pounds, well under our standards, and it would give us considerable trouble.

I would like to show you more but these are just the same type things.

Here is an example of a type fabric that we have stayed away from as far as any professional activity is concerned. Here is a type of fabric, generally used in the automotive industry. This is a nylon warp back, which means that the backing threads would be running one way and the nylon, the surface or filling threads are of another yarn. I know from actually canvassing automobile dealers these are sold as nylon fabrics.

Now, the principal characteristic of nylon is its long wear, it won't soil readily and you can clean it readily. However, practically the entire surface of this cloth is a rayon or viscose and also, although they sell it as a nylon cloth, normally in the automotive industry, where your surface is not nylon, anything you spill will get on the other yarn and, anyway, it is not nylon as we know it and use it in our industry, which we think is the correct promotional use in an industry.

Now this cloth we present as a desirable cloth, colorwise and otherwise, and we ignore that nylon content. We know that nylon is highly desirable and people are going to misrepresent it, as soon as they see the word "nylon" on a fabric and we don't promote anything in nylon that isn't 100 percent surface nylon. We leave it completely off our cards.

This is the way we have furnished it to 10,000 dealers and on a custom basis the customer would select that, order a suit, and we would bring it to him.

Mr. SNOW. I would like to say 1 or 2 things about what Mr. Fricker said. The purpose of our association is to take the standards and testing as they are developed and to approach a professional testing laboratory and work out an arrangement whereby any upholstery manufacturer can avail himself of this testing process at a very economical cost.

Touching the point that you made before about labeling, at the retail level, I could conceive that in time a manufacturer could save, without getting into a lot of complications, that he was complying with the accepted standards, and the retailer would know that and it would convey an assurance to the consumer without the complications of the tagging process that this law is asking us to do, and would be giving the consumer a much greater assurance of a product he is buying than the fiber identification could.

Mr. FRICKER. Just two other points I'd like to make to you, gentlemen.

At the end of 1956, our inventory showed 662 individual patterns or about 4,000 to 5,000 individual patterns that would mean we had to have that many printed labels in a cubbyhole with 2 or 3 people in every plant to handle it. Our sewing costs would have to be increased to sew it into the deck and I would say after studying it, during the last week, it would cost, in a multiple-plant operation, \$100,000 to comply with what you are suggesting and we would be very happy to go along with it, if it would do for the retail customer what you feel, I think, or felt, when this was originally introduced that it would do. We are positive the cost of the experience we have had in the last several years that it would just not do the work.

Mr. DOLLINGER. It would not be satisfactory?

Mr. FRICKER. Yes, sir.

Mr. DOLLINGER. Would it be more feasible if the Government testing laboratory would indicate by grades of various products, grades A, B, C, and D, as is now done with canned products, have it under that sort of basis?

Mr. FRICKER. I am coming back to one thing——

Mr. DOLLINGER. You wouldn't have fiber content, you wouldn't have anything else that would be classified in that category, the consumer would know that it was top grade, A, B, and C.

Mr. FRICKER. We come back to one thing, and that is the fancy goods industry, and, basically, most of the things that have been manufactured are presented for sale, and presented on a style basis, a visual basis, with coloration and as evidence, I brought some of these cards along just to show you some of the different types, the visual types of fabrics.

There is an acetate chrome spun, viscose and cotton. Actually, from a mill standpoint, it is quite a hardship to get all those yarns together in that fabric, it seems they wanted a desirable, appealing fabric, that is very desirable, and it is a successful number.

The same thing is true here. Here is one that has been highly successful with, I think, cotton and rayon combination.

There is one that is rayon-cotton, here is one that is viscose, rayon and cotton. This is Jetspun, a Jetspun fabric, 100 percent. None

of them are sold on the basis of fiber content because the customer would only be confused, wanting to know what is Jetspun and what would Jetspun do—as well as what will nylon do for me.

Well, nylon is going to wear for a while. I had a pair of hose that piled up on my slippers, pulled out the seams because they didn't hold, and all those sort of things that we have gone through. They are interested in what the fabric is going to do for them.

Mr. DOLLINGER. Mr. Fricker, what we want to know is—when the dealer tells us something, when the dealer makes a representation, we want to know that they mean what they say in that representation.

Mr. FRICKER. I will go along with that, Congressman. We try—these cards go out with the minimum quotation as to what the fabric is. We are issuing additional fabrics and processes and describing what the various processes are, what the fabrics are, what the fibers are, and so forth. We do that continuously. We hold meetings with our customers and we do that, but we feel very strongly that a labeling of textile-fiber content will not handle this problem; it is just not possible. I have been in it many, many years, and in this particular end of it, and that is why I feel so strongly about it.

Here is an acetate fiber. Acetate gives a hard coloring; maybe it is garish, and that is why it is bought by some elements. Here, 100-percent nylon surface, the color is a little duller, and there is another difficulty—they will be out there; one customer wants one and one will buy the other, and it will not be because of fiber; it will be because one looks garish with a lot of coloration and another looks at it from another design for another purpose, as you can see.

Here is a fabric, for example, 10-percent nylon, 90-percent viscose. We don't mention that because, if we mentioned the nylon content in the fabric, that mention might be all that some would need to push this thing as nylon instead of a mixture.

Now, this one will wear a long time, this one that has 90-percent viscose; it has practically 100 percent of the characteristics of it, and will be hard wearing.

Mr. SNOW. We had intended, as you probably know, to have retail representation here today and, unfortunately, they couldn't be here; but I am sure if they could be here they would tell you that as a matter of fact the first requisite to a consumer who is buying fabrics is that she gets the fabrics she likes because of the design and the color, and it fits into the decor of the home. After that, the other considerations come into play.

Mr. FRICKER. One thing, in the matter of guaranty that we hear so often in many industries. The only type of guaranty we are positive the customer is interested in is—what is the piece of furniture or the fabric guaranteed to do, not what it is guaranteed to be made of, and I think that is the most important.

Mr. MACK. I think our intent is trying to do something that you people also are interested in, be able to let the people know what they are buying, not to misrepresent facts but to be certain of the fact of the materials contained in a fabric. That is what we have been trying to accomplish by these two bills. It has been my experience that every time you walk into a store, the first thing a housewife inquires about is the content of the material, the type of material. It seems to me that that information should be made available in some

form. I thought originally that you gentlemen might be suggesting a different means of labeling to give them additional information concerning fabrics.

Mr. FRICKER. Our whole approach has been: Let's try to give the customer more and more in the way of testing so it will give them more in the way of a performance rather than guarantee something for a year or two and say that it has a certain content or it has—for example, in furniture—so many springs; how long is it going to last, how long is it going to wear, will it wear well, and look well. That, we believe, is of prime importance and not to contradict you, Congressman, but on a furniture floor I think you will find that question of fiber content or what it is made of is asked very seldom. Whereas in a haberdashery or clothing store or something of that character, as far as sheets, pillowcases, and bed clothing and wearing apparel is concerned, they are interested in that.

Mr. MACK. If I had a divanette in my front room with a fabric covering, I would like to be well enough informed to explain to a friend what that particular fabric was. I think there should be some means of identifying the fabric to the customer.

Mr. SNOW. You would like to know that, even though it might mislead you?

Mr. MACK. Yes; I certainly would want to know the content of it, so if someone inquired about it I could tell him.

You used the word "misleading." Perhaps the percentage of or the predominance of a certain fabric is not the best means of identifying material, but I believe that it should be identified, I should have that information.

Mr. DOLLINGER, do you have any questions?

Mr. DOLLINGER. No questions.

Mr. MACK. Mr. Avery?

Mr. AVERY. No questions.

Mr. MACK. I just want to clear up one thing further, Mr. Fricker.

You are representing the Trailer Manufacturing Co., are you, or are you representing the National Association of Furniture Manufacturers?

Mr. FRICKER. The National Association.

The reason I believe I was picked was because of my extensive physical testing and my background of being over the whole story of fabrics, and also they thought I was qualified to answer any of your questions.

Mr. MACK. You are, I presume, the largest manufacturer in that field?

Mr. FRICKER. Yes, sir.

Mr. MACK. You mentioned that you consumed 6 million yards.

Mr. FRICKER. Approximately.

Mr. MACK. Now, do you have any information as to how much is consumed by the entire industry?

Mr. FRICKER. No, sir.

There are other representatives from the Fabric Association here, they might be better able to answer than I can. I think ours would be sheer guess.

Now, just manufacturers, I would say 60 million to 70 million. Of course, there are so many reupholsterers and that kind of thing, and when you go into the yardage and the drapery field, that is far larger, I believe, than the upholstery field.

Mr. MACK. You mean, in consumption?

Mr. FRICKER. Yes, sir.

Mr. MACK. Thank you very much, Mr. Fricker. We appreciate the statement you have made.

The Chair is planning on continuing our hearing this afternoon at 2 o'clock, at which time we intend to endeavor to hear all of the people who have been scheduled to testify this morning.

Just for the record, we have Mr. Boddie, Mr. Fri, Mr. Carter—are the gentlemen here?

(There were responses from the audience.)

Mr. MACK. And Mr. Ryan.

A VOICE. Mr. Boddie will represent him.

Mr. MACK. Thank you very much.

We will stand adjourned until 2 o'clock.

(Whereupon, at 1 p. m., the subcommittee recessed, to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

Mr. MACK. The committee will come to order.

The Chair would like to inquire as to whether or not Mr. Schapiro is here.

(No response.)

Mr. MACK. Our first witness this afternoon will be Mr. Lee W. Boddie, Southern Furniture Manufacturers' Association.

STATEMENT OF LEE W. BODDIE, BROYHILL FURNITURE FACTORIES, REPRESENTING SOUTHERN FURNITURE MANUFACTURERS' ASSOCIATION, HIGH POINT, N. C.

Mr. BODDIE. Mr. Chairman, I am Lee W. Boddie, from the Broyhill Furniture Factories, representing the Southern Furniture Manufacturers' Association in the absence of Mr. J. T. Ryan, executive vice president, and I would like to highlight a couple of items from his previous statement permitted before this committee, and then move to my own, if it is permissible, sir.

Mr. MACK. To which statement do you refer?

Mr. BODDIE. This is a statement which was permitted before the Commerce and Finance Subcommittee referring to H. R. 12332 in the 84th Congress, to Hon. Arthur G. Klein. I would like that to become a part of the minutes, and take some excerpts from it, sir, to help conserve time.

Mr. MACK. The statement will become part of the record.

(The statement referred to is as follows:)

STATEMENT OF J. T. RYAN, EXECUTIVE VICE PRESIDENT, SOUTHERN FURNITURE MANUFACTURERS' ASSOCIATION, HIGH POINT, N. C.

HON. ARTHUR G. KLEIN,

Chairman, Commerce and Finance Subcommittee, House Committee on Interstate and Foreign Commerce, Washington, D. C.

DEAR MR. KLEIN: This statement, on behalf of the members of this association, is being submitted in compliance with your request in letter of August 3, and deals with H. R. 12332 as it affects furniture manufacturers generally who manufacture and offer for sale in interstate commerce articles in which textiles are used as outer covers and would fall within the definition of "textile fiber products" as provided in section 2 (g).

The Southern Furniture Manufacturers' Association is a voluntary association of more than 300 manufacturers of furniture, located in the 14 South-eastern and Southwestern States, who account for approximately 85 percent of the furniture production in these States. The area served by the association in 1953, the last year for which complete statistics are available, accounted for 40.7 percent of the wood and upholstered household furniture of the Nation. (The enclosed directory gives a complete list of our members. Exhibit A.)

POSITION OF MEMBERS OF SOUTHERN FURNITURE MANUFACTURERS' ASSOCIATION

For the reasons set forth in the discussion which follows, it is the opinion of the members of this association that the provisions of the act (H. R. 12332) as they affect furniture manufacturers would place undue and unreasonable hardship upon the furniture industry without substantial benefit to the consuming public. It is also the opinion of members of this association that consumers should be protected from misbranding, false advertising, and other unfair methods through enforcement of existing laws.

The objections of furniture manufacturers are based upon practical and substantial reasons and conditions, as set forth in this statement. In the event public hearings are held, representative members of the industry are prepared to appear and support their opposition to the proposed labeling requirement for furniture with outer fabric covers.

THE FURNITURE INDUSTRY

In considering the effect of legislation governing the furniture industry, consideration should be given to the nature of the industry, its geographic distribution, and the number of establishments that would be affected. A vast majority of makers of all general types of furniture, as well as those making upholstered furniture exclusively, would be affected by the act. For example, makers of office furniture, both wood and metal, include in their lines chairs or benches or other such items where outer fabric covers are used; also, manufacturers of bedroom and dining room furniture include in their products chairs and benches and other articles with outer coverings made of fabrics defined in the act.

The wide geographic distribution of the furniture industry was disclosed by the last complete census of manufacturers for the year 1947 which showed that furniture was produced in 47 States and the District of Columbia, Nevada being the exception. The 1954 census has not been completed and detailed figures for all of the States are not yet available, but since 1947 there has been a further trend toward localization.

Unlike other major industries, the furniture industry consists of several thousand units scattered over a wide area, a substantial majority being smaller producers with sales of less than \$500,000 annually. The latest available estimates of the number of furniture manufacturers by size class are those published by the Bureau of the Census for the year 1953, in Household Furniture and Bedding Products, 1953; series M54A-03. The estimates of concerns in the principal size brackets as shown by this report were as follows:

Value 1953 shipments	Upholstered household furniture		All household furniture	
	Number of concerns	Percent	Number of concerns	Percent
\$1,000,000 and over.....	150	14.6	546	18.1
\$200,000 to \$1,000,000.....	471	46.0	831	27.6
Under \$200,000.....	404	39.4	1,638	54.3
Total.....	1,025	100.0	3,015	100.0

It is doubtful that the estimates include all of the smaller concerns and it is believed that the actual number of manufacturers in 1953 were in excess of the number shown in the table. However, it will be observed that more than half had shipments of less than \$200,000 and nearly seven-eighths had shipments of less than \$1 million in 1953. (The number of establishments developed by the census for 1954, as shown in the next table, was much greater than 1953 estimates.)

Advance Reports issued by the Bureau of the Census for the Household Furniture Industry for the year 1954 disclose the number of establishments, the total value of shipments and the number of production workers but do not disclose the number of establishments by size brackets. However, the average shipments per establishment were less than one-half million dollars which, of course, indicates that a vast majority of the establishments were small. The following table, based upon the Advance Reports of the Bureau of the Census for the year 1954, shows the average value of shipments and the average number of production workers per establishment for the three general categories of household furniture:

Kind of furniture ¹	Number of establishments ²	Value of shipments (thousand)	Averages per establishment	
			Value of shipments	Number, production workers
Wood household.....	2, 782	\$1, 113, 000	\$400, 072	45
Upholstered household.....	1, 779	632, 779	355, 694	27
Metal household.....	641	402, 575	628, 042	46
Total.....	5, 202	2, 148, 354	412, 986	41

¹ Classified by primary products. Overlapping of products exists in each classification.

² The actual number of establishments was probably greater than shown in the reports, as in the advance reports in comparing the number of establishments for the census years 1947 and 1954 it is stated: "In this industry, which contains a large number of very small establishments, there is a possibility that some of the small establishments have been misclassified as to industry. This would not affect the statistics other than the number of establishments."

As has been clearly shown by the preceding tables, the industry is predominantly one of small units. Obviously, the average value of products and number of workers for all establishments is greatly in excess of those for the smaller concerns.

A breakdown by States and areas further emphasizes the large number of small establishments in the industry and the local nature of the production and distribution of such establishments. For example, New York, the leading State in manufacture of upholstered furniture, according to the advance reports, had 324 establishments, employing 5,145 workers, an average of 16 production workers per establishment. California, the third State in the manufacture of upholstered furniture, had 262 establishments, employing 4,556 workers, or an average of 17 per establishment. Statistics for New York and California are cited to show the wide geographic distribution and the local nature of much of the distribution.

The census report for the upholstered furniture industry does not include the numerous reupholsterers which would be subject to the act if they engage in interstate commerce. However, only in rare instances would such concerns sell outside of their own community or State.

Many of the numerous smaller concerns, perhaps a majority, distribute wholly within a single State or within a single community. As such concerns are not engaged in interstate commerce, they would not be subject to the act (sec. 3 (a)). It, therefore, seems that a large proportion of furniture manufacturers would not be subject to the act because of the local nature of their distribution.

REQUIREMENTS OF THE ACT AFFECTING FURNITURE MANUFACTURERS

Briefly, the act would require furniture manufacturers to label articles with outer fabric covers, under rules prescribed by the Federal Trade Commission, listing the constituent fibers or combinations of fibers in the outer covers, by order of predominance by weight, giving the percentage of each of the fibers by weight in the total fiber content, and also showing name or other identification as issued and registered by the Commission.

The sources of the outer covers used by furniture manufacturers are:

- Manufacturers, direct purchase.
- Jobbers, direct purchase.
- Converters, direct purchase.
- Customers supply fabrics.
- Others.

Furniture manufacturers find it necessary to purchase their fabrics from many sources, in order to carry in stock the wide varieties of weaves, colors and types required to meet the needs of customers. Similar fabrics from different sources have varying fiber content, due to the nonstandard production methods of the several manufacturers.

The manufacturer, jobber, or converter selling outer covers to the furniture manufacturer would not be required to label the products but would be required to disclose to the furniture manufacturer the fiber content of the covers by correctly listing on the invoice or other paper information to be used by furniture manufacturers in preparing the labels to be attached to the product (sec. 3 (b) (5)). Furniture manufacturers would require a guaranty from their supplier, manufacturer, converter, or jobber that the fabric was not falsely invoiced under the act (sec. 9 (a)).

Although we find no specific requirement in the act as to the preservation of records by furniture manufacturers, obviously such records would be essential to show that the products were not falsely labeled by furniture manufacturers. No doubt, rules prescribed by the Federal Trade Commission would require certain recordkeeping.

In many instances, outer covers are supplied by the customer. If labeling of such covers is required by the act, it is assumed that the customer would be required to supply to the furniture manufacturer in writing information to be shown on the label.

In some cases, furniture manufacturers who are overstocked or have discontinued patterns of covers may sell such covers to another manufacturer. In such cases, it is assumed that the furniture manufacturer making the sale must supply on his invoice the information required by section (3) (b) (5).

UPHOLSTERED FURNITURE SALES ON "CUSTOM" BASIS

Furniture with upholstery fabric outer covers is offered in a wide selection of frame styles and a wide variety of outer covers. Furniture dealers carry sample stocks of the several frame styles and, in addition, they are supplied by the manufacturers with illustrations, photographs, catalogs, etc., from which selections may be made. Samples of a wide selection of fabric covers in varying patterns, styles, colors, and price ranges are supplied to the retail furniture dealers, from which consumer customers may make their selections. In some instances, the combination of cover patterns and colors of a single manufacturer would total as high as 2,000. With the average manufacturer, the number of fabric patterns ranges from 100 to 400 in 5 or more colors, which gives the customer a range of from 500 to 2,000 styles of covers from which to make selections.

In the sale of upholstered furniture at retail, the customer selects the style or type of chair, sofa or other article and then makes a selection of the fabric or fabrics for the outer covers. In some instances the customer may select a figured fabric for the seat, inside of back and arms, and a plain cover for the outside of back and arms; and in some cases a third fabric may be selected for trimming. In such instances, a separate label would be required for each of the fabrics.

Obviously, where the customer selects the cover, the application of the label would be after the sale had been made and not when "such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer" (sec. 3 (b) (5)). In such cases, it would be impossible to comply literally with the wording of the act. To require the labeling of the samples of fabrics would mean that thousands of samples would have to be labeled, many of which would never be selected by the consumer and would never be used in the form of outer coverings for furniture. This would place a further undue and unreasonable burden on the manufacturer.

Due to the demands of consumers that the style, type and color of the fabrics be selected by the purchaser of the furniture, the application of the outer cover is on a "custom" basis and the covers are not applied until an actual order is received from the dealer. Consequently, the furniture manufacturer cannot produce in quantity articles of upholstered furniture with the same fabric covers for inventory and sale. This means, in many instances, that a particular pattern of fabric may be used on only one article within a long period of time. During a workday, a given article may be produced in quantity, but in a wide variety of outer fabric covers.

To meet present consumer demands, furniture must be produced in many styles, designs and covers. New patterns are introduced by the average manufacturer at 6-month intervals and in some cases more frequently. With each general change in styles and designs, many upholstery fabrics are discontinued and new patterns are introduced. The inventories of closeout patterns must be used or sold, in one manner or another. Thus, many patterns remain in the line less than 6 months. Also, it is found that some patterns offered do not meet with consumer approval and must be dropped from the line.

A canvass of a small representative cross-section of smaller and larger members making upholstered furniture developed the number of fabrics in their lines as follows:

Manufacturer A: 300 patterns, 1,500 colors.
Manufacturer B: 225 patterns, 1,125 colors.
Manufacturer C: 411 patterns, 1,528 colors.
Manufacturer D: 369 patterns, 1,282 colors
Manufacturer E: 120 patterns, 720 colors
Manufacturer F: 100 patterns, 600 colors
Manufacturer G: 108 patterns, 520 colors
Manufacturer H: 568 patterns, 2,020 colors

It will be noted that the number of fabrics offered by these members ranges from 520 to 2,020. Obviously, many of these may never be selected by a customer but the wide variety offered enables the manufacturer to meet any possible selection of the customer. Of course, manufacturers do not heavily stock patterns of fabrics infrequently selected.

For the purpose of showing the wide variety of fabrics offered by manufacturers with a broad line, there is attached, as exhibit B, the July stock sheet of a member, listing 1,160 choices of fabrics. As will be noted from the first page of the list, this manufacturer has 860 more fabrics not listed on the stock sheet, making a total of 2,020.

QUALITY OF FABRIC NOT DETERMINED BY FIBER CONTENT

The mere disclosure of fiber content of a fabric does not give to the consumer any considered amount of information regarding quality or performance characteristics. According to manufacturers of fabrics, it is more the proper construction and finish of the fabric and quality rather than the relative quantity of the fibers used that contribute to satisfactory performance. It would, therefore, appear that consumers could not determine performance quality of fabrics from the mere disclosure of relative quantities of each fiber used in a given fabric.

PROBLEMS OF LABELING

As has been developed in this statement, furniture manufacturers do not produce and stock large quantities of chairs, sofas, and other articles with the same identical outer fabric cover, but each cover is selected by the individual customer. Consequently, in a day's or week's production, the same pattern of chairs or sofas may be covered with different patterns of fabrics with varying fiber content. As the result, different individual labels would be required for each article. Obviously, the furniture manufacturer could not stock printed labels for each fabric and, consequently, each label would be filled in manually.

With from 100 to as many as 2,000 fabrics from which customers could make selections, the manufacturer would be forced to maintain detailed and elaborate records of the fiber content of each fabric in his line. Such records would include information from the supplier of the fabric as to its fiber content and also information as to the end use of such fabrics.

Members have advised us that additional personnel would be required to make the labels, attach them to finished products, and maintain necessary records. Also, several members have advised us that a slowing up of production schedules might occur.

VIEWS OF TYPICAL MANUFACTURERS

There is attached as exhibit C a statement of four pages quoting excerpts from letters received from typical manufacturers of upholstered furniture, both large and small, expressing views as to difficulties that would be encountered if they were forced to label their products, as proposed in H. R. 12332. The views quoted are typical of views expressed by furniture manufacturers generally.

IN CONCLUSION

As developed in this statement, the enactment of a law requiring furniture manufacturers to label articles of furniture with outer fabric covers, showing the fiber content of the fibers used in the fabric, would place a serious, if not impossible, burden upon the furniture manufacturers without substantial benefits to the consumers.

Due to the nature of the industry, its wide geographic distribution, the large number of small manufacturers, and its unique methods of production designed to meet the needs of the consumers, the problems that would be encountered are far greater than in the large mass production industries where thousands of identical articles are produced. For example, the automobile industry, where thousands of identical cars are produced with the same fabric seat covers. (Although the use of upholstery fabrics is far greater in the automobile industry than in the furniture industry, H. R. 12332 apparently would not require labeling of such fabrics.)

We again point out that a substantial proportion of manufacturers of upholstered furniture, especially the smaller manufacturers, limit their distribution to a single trading area or State and, therefore, would not be subject to the act. If an act is approved requiring the labeling of upholstered furniture, it would apply only to those manufacturers offering goods for sale in interstate commerce.

It is respectfully submitted that "outer coverings for furniture" should not be included in the bill to be introduced in the 85th Congress. In the event the bill is introduced in the next Congress and would require the labeling of furniture with outer fabric covers, representatives of the furniture industry will request permission to appear at the hearing to present their views in person.

Dated at High Point, N. C., September 1, 1956.

Mr. BODDIE. I would like to refer to the second page there in regard to the fact that the makers of furniture involving office furniture, both wood and metal, include in their lines chairs, benches and other items which have fabric covering; also, manufacturers of bedroom and dining room furniture include in their products chairs and benches and other articles with outer coverings made of fabrics defined in the act, and would be involved in being labeled and covered by this act.

It would create a tremendous problem in making the labels available for these various fabrics that are made available to the consumer, were this bill enacted.

I would like to point out that the furniture business is primarily a business of small businesses, and in the year of 1953 there were approximately 1,000 upholstered household furniture concerns. Of these, approximately 50 percent manufactured less than a \$200,000 volume.

There is a considerable number of small units scattered throughout the country who would be covered by this act and by this law, requiring them to label each and every item of outer covering for retail selling.

I also would like to insert from this statement that in the same year, the total number of wood household upholstered and metal manufacturers who would be involved in labeling their items of furniture for consumer purposes under this act would consist of 5,000 manufacturers scattered throughout the country in the 48 States. Their average shipment value was less than a half million dollars.

And, as brought up this morning and referred to, this act would be in both intra- and interstate commerce, and would involve considerable small manufacturers who buy and manufacture for local purposes only.

For example, in a community of 100,000 population, we may have 2 or 3 manufacturers who would not supply an item outside of this.

community, and I am under the impression that this would create a hardship on the small manufacturer by making him require these records and these labels be kept.

In getting our fabrics in the furniture business, we buy from many various sources. Some of us buy directly from manufacturers, some of us from jobbers, some from converters, some from decorators, and each of these would have to, in turn, supply us with the very detailed information in regard to the fabric contents on the fabric that is used on the item which is put on the retail floor.

It would be considered a very unusual hardship to keep up with these contents of the fabrics; and the ultimate end to the consumer, in our opinion, is very low in value, as has been pointed out and will be shown further by examples.

I would like to ask the committee's consideration of the problems involved in the patterns run by various manufacturers, which can run from 200 to 2,000 different patterns, with different percentage contents of fibers used in these fabrics, and it would require each of these fabrics to have a specific and particular labeling for this particular item as it was put on the chair.

We find many cases where this will run up above a thousand various fabrics, requiring an individual label for each one.

I would like to take that from the previous testimony, sir, and would like to incorporate the following statements from actual manufacturers of fabrics, some of the largest in our country, and their opinion, and would like to ask that these samples and letters become a part of the record, if it is permissible, sir.

Mr. MACK. The Chair would be interested in knowing who the letters are from, and whether they represent the ideas of some industry generally, or an association. I hesitate to give blanket approval for you to put in all the letters you received from all your friends in the last year.

Mr. BODDIE. Actually, sir, it is not a great many, and may I read them, and then incorporate what you please?

Mr. MACK. We can just receive the letters, and we will have included in the record those letters we feel are pertinent to this subject.

Mr. BODDIE. All right, sir.

This is from the Neisler Mills, drapery and upholstery fabrics, dated April 4, 1957, addressed to me:

This letter is being written with regard to the proposal now pending in Congress to require that all upholstery fabrics be labeled to show the fiber content by percentage.

I am attaching to this letter 3 samples marked "A," "B," and "C," and priced respectively at \$0.95, \$1.40, and \$1.85. All 3 of these fabrics are 100 percent rayon with the exception of the one marked "A." This one has about 0.47 percent metallic yarn in it. Since the metallic yarn is worth about 15 times as much per pound as the rayon, then this fabric should logically be the highest price if fiber content means anything.

I am also attaching 2 more samples identified as "D" and "E." The fabric marked "D" is 38 percent cotton, 4½ percent metal, and 57½ percent rayon. It is priced to sell at about \$1.30. The one marked "E" is 36 percent cotton and 64 percent rayon and is priced to sell at about \$1.90 per yard. As you can see, these 2 fabrics are very nearly identical in fiber content.

It seems to me that it is ridiculous to assume that the percent of fiber in any cloth has any bearing on its value. Practically any retail merchant can tell you that you can buy a 100-percent cotton shirt for \$2, or a 100-percent cotton shirt for \$8.

It is my opinion that this act will be of no value whatever to the ultimate consumer. About the only fact that means anything in the value of a fabric is the

construction of the cloth. That is the size of the yarns and the number of individual threads per inch. The fact that it is rayon, cotton, or some other fiber has very little bearing on the real value.

I hope that this letter will be of some value to you.

Very truly yours,

NEISLER MILLS.

(Signed) C. F. FLOWERS.

I have these fabrics, and I would appreciate it if the committee would just look at them and see the difference as far as quality there, when the contents are practically the same for all intents and purposes. Mrs. Jones would receive those on a chair with the same contents label, but the price may vary from \$10 to \$20, retailwise, sir.

I have another letter from David Rothschild Co. as a manufacturer of fabrics and a converter. These people manufacture material for a great number of upholsterers and actual manufacturers throughout the country. This is dated March 29.

Today we received a communication from David Rothschild outlining your need for the fiber content of several of our popular styles.

In line with your request, we are pleased to list these content percentages for you:

Conrad (39 percent cotton, 21 percent rayon, 39 percent chromspun, 1 percent metal)-----	\$1. 56
Melody (51 percent cotton, 49 percent rayon)-----	1. 25
Puritan (65 percent cotton, 35 percent rayon)-----	2. 46
Zoom (38 percent cotton, 61 percent rayon, 1 percent metal)-----	1. 00

We trust this information is exactly what you need for your records. However, if we can give you any further help classifying these patterns contentwise, we will certainly be pleased to do so.

Thanking you very much for the business you have been sending us and for your continued interest in our fabrics, we are

Very truly yours,

DAVID ROTHSCHILD Co.,

(Signed) CHARLES E. DIMON, Jr.,

Executives' Assistant.

There again we have no record—our opinion is that the fabric contents labeled on a chair would mean very little to the ultimate consumer in wearability, desirability and, as far as that, the lasting in your home; that this labeling would create a confusion rather than constructive information to the consumer.

I have here another letter, from the Valdese Weavers, Inc., Valdese, N. C.:

In accordance with our telephone conversation we are mailing you squares of the following patterns:

	<i>Per yard</i>
Pattern 2809, all cotton-----	\$2. 95
Pattern 2791, all cotton-----	1. 55
Pattern 9002, all cotton-----	2. 48
Pattern 2372, approximately 62 percent cotton, 38 percent rayon-----	2. 85
Pattern 2980, approximately 50 percent cotton, 50 percent rayon-----	3. 45

I do not know whether the two patterns sent with a mixture of cotton and rayon will be of any assistance to you. However, we thought we would include them in case they would help.

We hope you are able to stop the labeling law Congress is considering, as it will, definitely, add expense to the manufacturing of all concerned. The extra expense would not be so bad if there were any benefit to it. Giving the consumer

the fiber content will not protect the consumer, as the fiber content has very little relation to the quality of the cloth.

If we can be of further assistance to you, please feel free to call upon us.

Very truly yours,

VALDESE WEAVER, INC.,
R. D. BOGGS,

Vice President and General Manager.

I would like to ask you to check those with a price variance there from \$1.55 to \$3.45 on the various fabrics that require the same labeling.

We have a letter from Bridges Furniture Corp., which is a retail outlet in Charlotte, N. C.:

We would like to go on record as strongly opposing bill H. R. 469 introduced to Congress by Representative Smith of Mississippi concerning the Textile Fiber Products Identification Act.

We do not believe that a label listing the percentage of different fibers used in weaving upholstery material would be of any benefit to the customer. Such a label would not be read by one customer out of a thousand, and if read, would have little or no meaning to the customer.

This act would certainly work a tremendous hardship on the furniture industry if it is passed. It would be next to impossible for a factory to label each and every piece of material (in a prominent spot) that is used in upholstery a piece of furniture. This act would certainly eliminate all special orders for customers who desire to have a particular piece covered with material which they desire to furnish.

We sincerely believe that if this act is passed it would simply result in a lot of unnecessary red tape and detail and would certainly increase production cost, and thereby be another factor in the inflationary trend which exists. If there were any ultimate benefit to be derived from this information the increased cost would be justified. It is our belief, however, that this would simply be a waste of time, effort and energy and would simply be another law on our books that could not be adhered to or controlled.

Yours truly,

BRIDGES FURNITURE CO.,
(signed) J. H. DuBOSE,
J. H. DuBOSE, *Secretary.*

Here is a letter from the Breuner's stores on the West Coast, a retail outlet for upholstered furniture, addressed to Mr. Lee Boddie:

Re Textile Fiber Products Identification Act, H. R. 469.

DEAR MR. BODDIE: It is our understanding that there is a bill in Congress, referred to above. We read that it would require upholstery manufacturers to label each piece of fabric used in upholstering sofas or chairs. This label would show the percentage of content of the different fibers used in the weaving of the upholstery fabrics.

If the above is true, the theory of the act is commendable. However, it is our feeling that it would be highly impractical to attempt labeling the content of various upholstery fabrics because this in itself does not determine the quality nor the durability of the goods. This could conceivably make possible more misrepresentation than is now possible with no labeling. As retailers it would further become very difficult to maintain and explain these labels on our sales floors, and would eliminate the majority of our custom-order upholstery business. Manufacturers could not be responsible for the fabric or content of material supplied by the retailer for the completion of custom orders. This represents more than 50 percent of our upholstery business in the above medium-price merchandise.

Considering the amount of work involved for each upholstery manufacturer, retailers, and the cost of Government administration and inspection, it would appear that the effect would be nil compared with the expense of the program.

In any presentation which you may make at any public hearings, we hope that you will express our view concerning the act.

Yours very truly,

(Signed) C. H. BREUNER, *President.*

I have one more short one, from Strawbridge & Clothier, Philadelphia, dated April 4, 1947, to Mr. Lee W. Boddie:

DEAR MR. BODDIE: The proposed Textile Fiber Products Identification Act, H. R. 469, has come to my attention.

We have considered carefully the intended benefits of this act and the penalties that would result from it. We feel sure that our customers will not realize any useful protection from the additional labeling which the act would require. The contents of furniture fabric coverings do not necessarily determine the usefulness and serviceability of the furniture. The labeling involved would probably, over a period of time, add something to the ultimate cost to the consumer.

We are interested, of course, in anything which will truly benefit our customers but since we do not believe that this act accomplishes that objective, we hope you will make known to the appropriate governmental bodies our opinion regarding this legislation.

Sincerely yours,

STRAWBRIDGE & CLOTHIER,
(Signed) RANDALL E. COPELAND,
Vice President.

There are statements in regard to the general feeling of retailers, actual manufacturers of fabrics, in regard to the percentage contents of fabrics and what they mean to the desirability, wearability, durability, and the colorfastness of various fabrics.

I would like to point out a problem which could be incurred quite often with the combinations of fabrics, sir. By mixing the various fabrics that you have seen today with either plastic, unsupported or supported, or in various qualities of fabric, how would we label those? You have fabrics involving various percentages, and there would be a considerable difference in the percentage contents of two fabrics or more on the same item.

To me, it could be very confusing to a consumer to look at the back of a chair with one label saying 20 percent rayon, 80 percent cotton; and in another one which is plastic listing it as either plastic supported or unsupported.

There is a great deal of furniture made in that manner today, where combinations of various types are used. We would like to ask how you deal with the problem created to the manufacturer in regard to this.

We are confronted with a problem from the actual manufacturing of the fabric to the manufacturing of the piece of furniture. A great majority of our business is done on special order. That means that Mrs. Jones comes to a retail outlet, and looks at a sample, and picks a fabric or maybe brings her own sample from being previously bought somewhere, and asks us to make her a pair of chairs. How are we to be supplied the information in regard to the fabric contents of that chair?

It is possible in many cases that this chair would appear on a retail floor and we have no information, as a manufacturer of furniture, to supply that label back to the retailer. We are confronted with a very serious problem to see that it is conformed with if it becomes law.

If the manufacturer of the fabric lists percentage contents on a roll of fabric which leaves his mill, that roll of fabric consisting of 50 to 60 yards can immediately be cut into from 4 to 10 different and separate items in most any manufacturer's plant, meaning he has to make 4 or 10 different labels for the various items involved.

It would be a very costly operation, and it is my opinion, and the opinion of our association, that the ultimate good to the consumer would be very little, because, as we have heard today, and it is our definite opinion, the quality of a fabric is not determined by the percentage contents of fibers, but by the use of those fibers blended together with the proper weaving and the proper dyeing operations or finishing operations.

We feel that the progress which has been made in a performance or standard setup for various materials is greatly reducing complaints to the manufacturers; and is giving the ultimate consumer a value that has far exceeded that in many other fields today.

We are of the opinion that if a retailer is sold on an item, for instance nylon or rayon, were these put on the percentage contents on the back of a chair, he could still advertise the chair as having nylon or cotton or rayon, whichever at the time happens to be the most sellable or most desirable yarn at the time.

He would have it properly labeled, and it certainly could be carried from there to the sales floor and used whichever way he desires, and the act would be complied with. But Mrs. Consumer who is buying that chair does not know the actual value of rayon over cotton, or cotton over rayon, or nylon over either. And we think it is definitely a handicap and would be a very expensive operation to maintain in our plants, and that the ultimate good would be very little, sir.

Mr. MACK. Does that conclude your statement?

Mr. BODDIE. Yes, sir.

Mr. MACK. You say it would be very costly, so far as the manufacturers are concerned, to be required to label.

Mr. BODDIE. Yes, sir.

Mr. MACK. If you had a set which sold for \$200 or \$300, I cannot see where the cost of labeling would be substantial or where it would be inflationary.

Mr. BODDIE. It would be in this manner: That your labels would have to cost, is one item. The stocking of the labels, the handling, the typing, the putting them on the chairs. It would be a continuous increased cost.

Now, you may say it is nil for an item, but at the end of a year it could be very expensive to many of the operations, and it would be very expensive for larger ones to control a staff, 3, maybe 4, 10 men, depending on how many plants were involved, because it certainly would have to have a man or clerk in each plant to maintain these labels to see that they were properly made out and attached to the chair, sir.

Mr. MACK. As I understand it, this cost would have to be passed on to the ultimate consumer, and the additional cost would certainly be very small when you consider the additional cost per item that is sold at the retail level.

Mr. BODDIE. Well, the cost per item, sir, continues to grow on us, and somewhere it puts the squeeze on a manufacturer to try to maintain a retail level of buying power to keep the wheels rolling, and in many cases today we are not able to pass on the small increase, and we have to take it out of profits, which minimizes profits again, in the furniture business. And I think you know that they are not the top in the country. And that would have to be either passed on or absorbed, one or the other, and ultimately the consumer would have to pay it.

Mr. MACK. Of course, if you absorb the cost yourselves, then there would be no inflationary effect by this legislation.

Mr. BODDIE. That is right, sir.

Mr. MACK. Mr. Dollinger, do you have any questions?

Mr. DOLLINGER. No questions.

Mr. MACK. Mr. Beamer?

Mr. BEAMER. Mr. Chairman, I am sorry I was delayed, and I did not hear all of the remarks of Mr. Boddie.

I did not hear the first part of his comments. I briefly sketched through it, but I want to ask you, if I may, just 1 or 2 questions.

You indicate in the statement the fact that your industry is comprised mostly of small business; is that correct?

Mr. BODDIE. A great deal of them. I think the record shows, both from the National Association of Furniture Manufacturers and the Southern Association, that approximately 50 percent are small manufacturers of less than \$200,000 or in the \$200,000 volume business, sir.

Mr. BEAMER. How easy is it for the small manufacturer in the furniture industry to compete with the larger manufacturer?

Mr. BODDIE. How easy is it?

Mr. BEAMER. Yes, or how difficult is it, whichever way you want to put it.

Mr. BODDIE. I think in many cases we would be penalized more so, because he is working with a smaller staff, and yet he has got to supply this information with the smaller staff and is restricted, not restricted, but his business is confined to a smaller area, sir. But he would have the same cost involved in putting this on one chair that any manufacturer would, sir, and it would create a staff problem for him, because many of them are what we refer to sometimes as family operations or "daddy" and a very small crew making a volume of approximately \$200,000 a year, sir.

Mr. BEAMER. I hope I am not repetitious of anything which may have been said before I arrived, but I am wondering whether you have any information or report on the percentage of the various materials that you presently use for furniture covering. Is it predominantly wool or cotton or synthetic material?

Mr. BODDIE. Sir, that would vary in many cases with the actual manufacturer. Our own selves, we are using a great deal of pile fabrics and a large majority, I mean a great majority of plastics.

There are manufacturers, and I think Mr. Fricker would bear me out, that use more pile fabrics probably than any other single type.

Mr. FRICKER. I would say that cotton would probably be a third, rayons of all descriptions a third, and, say, nylon a third, taking into consideration that all pile fabrics have a cotton back or most of them have a cotton back, which is desirable.

Mr. BEAMER. That is a synthetic fabric with a cotton back?

Mr. FRICKER. That is right.

Mr. BEAMER. In your judgment, would it deter the sale of cotton or wool or native fiber products in contrast to the sale or use of synthetics?

Mr. FRICKER. The only—in thinking about this for quite some time, just along that line of thought, sir, I felt the only thing that it could do was deter the sale of cotton; and the reason for that is that nylon, for example, is longer wearing. It cleans easier, it doesn't soil as fast.

Or rayon dyes better. Some of the new solution-dyed yarn, such as chromespun or yarns of that character, won't fade as fast; whereas cotton, although a very fine fiber and it has its field, it fades more readily, it soils quicker, it is very hard to clean, and some of the characteristics that are needed very much in this field, cotton doesn't answer the requirements.

Mr. BEAMER. Thank you, Mr. Chairman. Some of the other members may have some other questions.

Mr. MACK. I presume you do not have any difficulty in determining what the content of the material is that you purchase.

Mr. BODDIE. Excuse me?

Mr. MACK. The purchases you make from the mills, you do not have any difficulty in determining the contents of that material?

Mr. BODDIE. You mean, can I determine it by eye? No, sir.

Mr. MACK. Well, I presume that there are some arrangements made so that it can be identified.

Mr. BODDIE. They give us the information, and as far as the contents are concerned, yes, sir, it is available.

Mr. MACK. Then this legislation would just be requiring you to pass on the same information that is given to you; is that not correct?

Mr. BODDIE. It would require us to pass it on with a considerable difficulty, due to the fact that they supply to us either on a large roll of 50 to 60 yards——

Mr. MACK. I understand that.

Mr. BODDIE (continuing). We cut that up into various chairs involved, sir, and we would have to make a label for each chair, sir.

Mr. MACK. Yes, you would have to make additional labeling for the smaller items that you cover from this roll of cloth.

Mr. BODDIE. That is right, sir. That would involve a cost, and the ultimate is, what good is it to the consumer when she gets a fabric labeled in a hundred dollar chair and setting next to it is a chair for \$50 with the same percentage content? Can she derive from that there is \$50 difference, and yet the contents are the same, it is all cotton, sir?

Mr. MACK. Is that a reflection on the intelligence of the average purchaser?

Mr. BODDIE. No, sir. I am trying to say, sir, that it is very hard for us to tie it down and say that the percentage content determines the quality of the fabric, sir.

Mr. MACK. I understand.

Mr. DOLLINGER. Will you yield for a moment, Mr. Chairman?

Mr. MACK. I yield.

Mr. DOLLINGER. You only know what is in the fabric because the manufacturer tells you when he sells you the fabric that this will contain such a percentage; is that correct?

Mr. BODDIE. Right, sir. He gives us the information on the fabric.

Mr. DOLLINGER. Then you cut the thing up; and you have to go back, every time you want to refresh your recollection, to your record to find out what the fabric contains, because it is sold to you by a number; is that not so?

Mr. BODDIE. It is sold to us by a number or a name, sir.

Mr. DOLLINGER. If you have on your shelves a hundred different items of fabrics, you do not know by going to it every day in the week whether this contains 30 percent or 40 percent; you must go back to

your stock records to make a check every time you want to find out what it is.

Mr. BODDIE. Yes, sir, we would have to, because we couldn't remember the percentage contents of each roll, sir.

Mr. DOLLINGER. So, if the item was labeled, if there was a tag on the thing on your shelves, you would not have to go to the stock records. You could pick the thing up and say, "This is what it is."

Mr. BODDIE. Yes.

Mr. DOLLINGER. Would it not be easier for you and save so much manpower if it was properly labeled from the first instance, for your own records, I mean, forgetting the consumer?

Mr. BODDIE. If it were labeled, we could use it, if it is there. But then we have to take the information——

Mr. DOLLINGER. But I mean if the manufacturer sells it to you, and on the back of the thing he has his label already, and it contains the ingredients, you never have to put it in your stock record; you never have to go back to refresh your recollection. Whoever is in the place of business picks up a fabric and looks at the back and says, "Madam, this is what it contains"; it is already listed.

Mr. BODDIE. Right, sir, if you have the bolt, sir.

Mr. DOLLINGER. That is right; and that saves all that money, does it not?

Mr. FRICKER. It is an office procedure, if I might interrupt; the easiest way to do it would be an office procedure.

Mr. DOLLINGER. I was trying to raise the point, all of the witnesses said it was a costly operation, and I was trying to point out—maybe I am not doing it as well as I would like to—it is much cheaper for you, once it is identified for you, not to have to go back to your stock records every week; it is there, and your item has it, and you only have to turn it back on the other side and it tells you what is there.

Mr. BODDIE. Sir, are you referring to the retail drygoods where the bolt of material is on the retail floor, sir?

Mr. DOLLINGER. On the fabric.

Mr. BODDIE. On the retail floor, sir?

Mr. DOLLINGER. On any basis. You only know what is in there because the manufacturer tells you, and then you will forget that unless you put the thing in your stock record to say "XYZ contains these things, these are the items it contains."

And you never could remember, if you have a few hundred items, what it really contains unless you went back and identified that number with your stock record to see what the manufacturer said it was.

Mr. BODDIE. That is right, sir.

Mr. DOLLINGER. And once that manufacturer does that operation for you by stamping the fabric on the reverse side, you and the customer and the stock clerks in your establishment know for all time, without going back to the records, what it is.

Mr. BODDIE. Right.

May I say, that comes in to us as a chair manufacturer or a living-room furniture manufacturer.

Mr. DOLLINGER. I am going beyond that. I am going to the process where the individual—you are speaking from your point of view. You are afraid that you will have to list it or stamp it yourself. We

are trying to get beyond that. We say, in the first instance—that is, not we, but the sponsors of the bills—say every fabric that is manufactured should be labeled so that everybody knows—the person who makes furniture, the person who buys the fabric—every person could pick the thing up and say, “This is what it contains.” And nobody then has to go through an operation on his records and make an item to say that “This has so much of a percentage and this has so much of a percentage.”

Mr. BODDIE. Right, sir.

Now, we, as a manufacturer, getting that information from the yardgoods manufacturer, sir, the cost that is involved—a tremendous cost is involved in translating that one tag, which is stamped, into 10 tags and follow the 10 tags through your upholstery operations to be permanently attached to the back of each chair, sir, so that when it arrives at Joe’s store or some retail level, the tag is still on the back of the chair in a prominent display. Am I correct in interpreting the law that that would be the ultimate aim?

And that is the cost involved to the furniture manufacturer in taking the item that is stamped on the back of 1 roll and transferring it to 8 or 10 different items, and following it through and maintaining that label all the way through until you reach the levels—

Mr. DOLLINGER. I think the FTC would then have the right, by regulatory practices, to indicate how the item should be stamped or labeled. It does not have to be labeled in the way you think it has to. As long as the public will know what it contains—that is the primary function of it.

And I think they could make the thing in such fashion so that you would not endure a hardship, nor would anybody else.

Mr. FRICKER. From the experience of this bedding law throughout the country, each State having their own law—

Mr. DOLLINGER. That is right.

Mr. FRICKER (continuing). We have found it the most economical—and it is a very costly procedure—in each one of our plants we have a small room with, I should say, hundreds of cubbyholes, and we have to reprint each one of the laws—I mean as to the contents. So we deliver a million pieces of furniture. We might have thousands of different types of printings. You either have got to type them up if there is a small number of them, which takes someone to type them, or you have to mimeograph—however they do—reprint them if there are a thousand or 2,000 individual ones.

Mr. DOLLINGER. But if you have one Federal law, it would supersede all the State laws.

Mr. FRICKER. Yes. But the experience of that one law, we have appraised how much it would cost us in our multiple-plant operation, and we are going to have to have that same setup duplicated that many more times. And it appears, in the experience of this bedding law, that we would need 2 to 3 people in each one of our plants to handle that setup; not that 2 or 3 people, I mean, is a tremendous thing in a plant, but it certainly is an extra thing. We would like to come back to the one point that here is a sofa, to be ridiculous, for \$500, and a chair for \$19—and I can show them right on Washington retail floors—both of them a hundred percent cotton, both of them a hundred percent rayon. And what good is it doing you to know of the fiber content?

I am not able to appraise a fabric from fiber content, and I am quite sure if someone with my experience is unable to appraise it, why, that a retail customer, or even the buyer or the store managers are not able to appraise it on a basis of serviceability, wearing, fading, and the things we discussed a little earlier. It just doesn't tell the story.

And if it would, we certainly, as an industry, would be all for it, as evidenced by the great expenditure we have gone into in these performance standards and the things we are continuing to do along those lines, wanting to protect that consumer as much as we can.

Mr. DOLLINGER. I have no more questions.

Mr. MACK. I am glad you asked those questions, Mr. Dollinger. You made a very good point there. It seems to me we are trying to do the same thing through this legislation to inform the ultimate consumer, the salesman in the store and the ultimate consumer, as to the material that is used in covering furniture, as well as material in other fields. I think that the intent, while we differ as to the procedure and the special requirements, the intent of the two bills goes in the same direction: to inform the consumer as to what material he is actually buying. The manufacturers are so informed when they purchase the cloth and they would merely be passing that information on to the retail dealer, the clerks in his store, and to the ultimate consumer.

As a lay person, I feel that it would be of interest to have that information on each level. I cannot understand where the additional burden or additional cost would be involved, although I do recognize the fact that you have a special problem in the furniture industry.

What kind of labeling do you have presently on your furniture as it goes out from the factory?

Mr. BODDIE. We have to comply with the various States' bedding-law. Other than that, we have no label, other than that; and that, as has been pointed out, is a very expensive operation to do.

This label would be another expense, and we are asking as to the ultimate good to the consumer, because we can label fabrics on the back of chairs and show you yardgoods at various prices that are the same contents; and we are afraid, and have in many cases, as has been pointed out today—we have not sold items or finishes of various fibers due to the fact that we didn't think that they should be sold too greatly, and let them stand on their own merits rather than building up a story, sir.

And you can be misrepresented, because it is possible that a chair labeled 10-percent nylon, if nylon happens to be the magic word of the day, or it were cotton 2 years from today, or rayon, the retail salesman on the floor with the label in front of him could emphasize the one particular fiber content that he cared to. And there is your label, and certainly it could go a long way toward misrepresenting the actual quality, because those fiber percentage contents do not make the fabrics, sir.

Mr. MACK. As was, I thought, brought out this morning very clearly, there were many cases of misrepresentation by salesmen presently without any type of labeling. It would seem to me that if they had some type of labeling requirement, the salesman could, if he wanted to, make a serious effort to give them the true information on content of the material.

Mr. BODDIE. That is right, sir, he could make an effort. Whereas if he had it there, he could use what is there for his advantage or to whatever purpose he cared to.

Mr. MACK. Yes.

Mr. FRICKER. This may be worth something, Mr. Chairman. We send out 40 cards twice a year of different patterns of all contents and types. We send them to 10,000 dealers. And the reason we do not put fiber content on them is just one: that is, it is too confusing to the retail salesman, the retail store, and to the customer, because fiber content has not told them what the fabric will give to them in the way of wear and those other things we have discussed.

Mr. MACK. That is a means of attaining an end, is it not, where you say the predominance can be classified by percentage or by performance; is that not right?

Mr. FRICKER. No. The fiber content does not tell the quality. The customer is interested in: How long is it going to wear; is it going to fade; will it stretch; will it hold a seam; will it do all those things that she is interested in; so her furniture will look good over a period of time?

She is not particularly interested in whether it has so much cotton, so much rayon, so much mohair, whatever the content may be, and for that very reason, because no one can appraise the value of a combination of contents. At a retail level it is impossible; in fact, without technical equipment it is impossible at any level.

Mr. MACK. Are you saying, sir, that it is impossible to have a performance standard?

Mr. FRICKER. No, I am not saying that. We have performance standards. I am saying that the fiber content does not give you a certain performance or tell you the quality of the cloth.

Mr. MACK. I understand that. But you were emphasizing the performance rather than the contents.

Mr. FRICKER. That is right.

Mr. MACK. You could even bring out what you want it bring out, if you had a performance standard to further educate the people or further inform the people, in addition to the labeling of the content.

Mr. FRICKER. The problem is this, gentlemen: That, getting back to fiber content, it is a very confusing thing at the retail level; and we are quite positive, in all the experience we have had, personal experience and company experience and the industry experience, that fiber content in this industry will just confuse the issue completely, and will not do what I am sure you gentlemen are after and what we would like to see, too, and that is why we have approached it from a performance standard basis rather than a textile fiber content.

Mr. MACK. I would like to get back to my original question and that is the kind of labeling that you presently do, you are required to do, or the type of labeling that you do voluntarily, when you manufacture your furniture.

Mr. BODDIE. The labels we use, sir, and I think it is prevalent in the industry, is the bedding-law label. There may be other labels attached at the time, such as the trade name, made by such a trade name, or it may have a label of a nature it has a foam-rubber cushion.

Other than that, there is no label, to my knowledge, used giving a——

Mr. FRICKER. I will show you the label.

Mr. MACK. May I pursue this a little further. You say trade names may be used?

Mr. BODDIE. For instance, Kroehler Manufacturing may put their label, "Manufactured by Kroehler Furniture." It may be Heritage Furniture.

Mr. MACK. As a matter of fact, they are used quite extensively, if not in all instances.

Mr. BODDIE. Labels of that type, sir.

Mr. MACK. Yes.

Mr. FRICKER. These are the labels used, if you gentlemen care to see them. These are the labels which we sew into the deck of the furniture which is under the cushion, which gives them the cover number, the frame number, so they can reorder. And there is the bedding label that has to be typed up, with the percentage content. This one doesn't have to have a percentage content, and that has to be sewed into the deck of a piece of furniture.

Mr. MACK. Excuse me, is that not done voluntarily?

Mr. FRICKER. This is, but this isn't [indicating].

Mr. MACK. What is the difference between the two?

Mr. FRICKER. Well, this one is the bedding law, "Cotton, new," and so forth.

Mr. MACK. Yes.

Mr. FRICKER. Now, it means we have taken an additional label, and what is involved is having thousands of these preprinted or type them, have them available, put them along with this, sew them into the deck, change your sewing rates—because if you think the union will permit you to add another coupon or label and sewing it there, we have been through this many times, and by putting this in we have had to change our rates, and that is the item, sewed in the deck.

Mr. BODDIE. This is required by various States. There are still some States which do not require it. That is put in every deck. This is the bedding law, and the other one, most manufacturers have a tag which shows the frame number and item number for routing purposes. That is made especially for Jones Furniture, and it starts in the cloth room with the tag, and the piecework people are paid by very small attachments, and the final shipping tag is left on the bottom of the chair, which routes it to Jones Furniture Store. That is the other type tag.

Now, all manufacturers, or most of them, use some type of tag for routing and manufacturing purposes, for keeping up with the cushion, the back, and various frames, and what items are used to make that chair. In other words, your filling contents may be different on one from another, and you would have that information on that tag.

So that is for manufacturing procedures, and that is usually not in a position of prominence; and on ours is on the bottom of the rail.

Mr. FRICKER. We put it right on the deck.

Mr. BODDIE. Our manufacturing procedure is on the bottom of the back rail.

Mr. MACK. What do you mean, the bottom of the back rail?

Mr. BODDIE. Under the back bottom side of the chair, sir, which would be inconvenient for the consumer to see, and that is where it is put at the present time, sir.

Mr. MACK. Of course, that is something which would have to be determined by the FTC. If it is not covered and not concealed, it would appear to me that it would be prominently identified. I am sure that you would not sew it on top of the chair, or the seat of the chair.

Mr. BODDIE. On one of the labels, in some States, where the cushion is loose, it becomes a part of that.

Mr. FRICKER. You have to sew it into the cushion.

Mr. BODDIE. You have to sew it into the back side of the cushion.

Mr. MACK. I understand. I have never seen one of these sewed on the top of the cushion.

Mr. BODDIE. No; on the back side, where it is available for what the contents are of the cushion, sir.

Mr. MACK. This is your routing?

Mr. FRICKER. That is where the piece rates are taken from and the routing, and also as identification to the man who buys it, the dealer, that it has the certain frame he ordered by piece number, the fabric number is correct, and the fabric and color are correct, and all those things, and he tears it off.

Mr. MACK. You have on this routing label cover "15K51218-20 nylon."

Mr. FRICKER. That cloth is the only thing that we represent in the way of yarn, is a nylon fabric, when it is a hundred percent.

The reason for that, sir, is that there has been so much promotional activity and propaganda as to the features of nylon, let's say over-promoted, at a retail level or at many levels, for that matter, that where you have a 10-percent nylon or this automotive type of fabric, where you have a nylon warp and it should not be represented as a nylon fabric, to differentiate between the two types nylon is used. That is the only exception that we know of, and there we find it desirable.

Mr. MACK. This looks as if the information is typed in here.

Mr. FRICKER. That is right, sir.

Mr. MACK. It even has the date.

Mr. FRICKER. That is right. That is done in the office, and it follows the job right through.

Mr. MACK. As you have concluded already, I have failed to understand where the additional costs are coming from. Perhaps I am oversimplifying the case, but I cannot see any reason why you could not put on this tag 20-percent nylon or 100-percent nylon.

Mr. FRICKER. Well, suppose there are five lines there.

Mr. MACK. Or putting the predominance of the materials used, the fibers used.

Mr. FRICKER. Well, there are five lines for, say, textile content—cotton, acetate, viscose, some nylon, some lurex, say, that would be five. That would be about the maximum; possibly six. So it would mean we would have to type six different lines on a million pieces of furniture a year. Now, six is a lot of typing.

Mr. MACK. Of course, it all depends. A smaller manufacturer is not going to have so much work to do. I still cannot understand the

difficulty you are encountering here, because, if it is a big expense, that can be passed on to the consumer.

I do not think it would be a large expense. In the case of the smaller manufacturer, his expense certainly would not be too great. At least one secretary is employed in most small manufacturing concerns. I cannot understand why the information could not be put on this same card without even enlarging the card.

And that is what I was asking, really. It was my opinion that a similar card to this has been placed on all of the furniture produced, certainly all that I have ever seen, and that this problem of labeling, as you gentlemen have presented the story today, seems to be slightly exaggerated.

Mr. FRICKER. I do not believe our association, the NAF members, have taken the position—we take the position that it is a costly thing, and in our organization it would run, I would say, about \$100,000 a year. If it was worth \$100,000 a year, we would certainly be for it. There is no question about it.

But when you are all through, it gives you a confusing situation. It doesn't tell you the story. And we see really no reason for it.

In fact, it would tell you, in many cases, the wrong story.

Mr. BEAMER. Mr. Chairman, may I ask the gentleman a question?

Mr. MACK. Yes, Mr. Beamer.

Mr. BEAMER. Do you think, then, on the same basis, that automobile seat covers and automobile fabrics, for example, should be included in this legislation?

Mr. FRICKER. Definitely. I mean, there is no difference between ourselves and the automobile people?

For example, this morning, I showed a type of fabric that was used by the automobile people. Most of the nylons used are nylon warps with an acetate or chromspun or rayon type or cotton filling, and that cotton, rayon, or acetate floats on the surface and is the wearing surface. But those are sold out of the retail stores, Chrysler, Ford, GM, out of their retail stores as a nylon fabric.

Mr. BEAMER. Pardon me; are theirs labeled at the present time?

Mr. FRICKER. My understanding is they are not labeled, but they are presented as nylon cloths.

Mr. BEAMER. I have visited some of the mills in your State, and I have discovered the woolen mills today are making a lot of fabrics for automobiles, seat covers, and upholstery, and they are converting in great degree to synthetics instead of the—is that not correct?

Mr. FRICKER. That is correct.

Mr. BEAMER (continuing). Instead of wool that they used to use. Now, are those not labeled?

Mr. FRICKER. No.

Mr. BEAMER. Are these labeled when shipped from the mills to the manufacturer?

Mr. FRICKER. We know the percentage content in our company. Every time we buy a fabric, we write for the percentage content, because I think it is needed in transportation, I mean interstate, for the freight that we pay on different types, so we know the content.

And the automotive people know the content, but it is not presented in the retail level; and many of the cloths, for example, that are sold as nylon cloths have the characteristics of a rayon cloth, because the

rayon is floated on top of the nylon, and all the wearing, all the cleaning, all the soiling of that cloth is on the surface where the rayon or other synthetics other than nylon has taken the buff, so to speak.

Mr. BEAMER. I am trying to develop—are there any other products manufactured which use cloth material of various types which probably should be included, other than furniture manufacturers and automobile manufacturers?

Mr. FRICKER. I am not too well acquainted in other fields, but automotive, for example, every automobile sold—and I used to be with Fisher Body; that is why I have a little background—every automobile that is sold this year will have 10 running yards of cloth, so if there are 6 million cars, there are 60 million yards of cloth used in those cars.

Mr. BEAMER. May I ask, how does that compare with furniture?

Mr. FRICKER. We were talking of that this morning, and we didn't come to any direct conclusion, but we estimated that maybe between 50 and 70 million would be the upholstery fabrics.

Mr. BEAMER. Approximately the same.

Mr. FRICKER. Yes.

Mr. BODDIE. I may say that our contention, sir, is that in regard to the ultimate aid to the consumer in knowing the percentage contents——

Mr. BEAMER. May I ask this question?

Mr. BODDIE. I am sorry.

Mr. BEAMER. Go ahead.

Mr. BODDIE (continuing). It does not justify or explain all of the quality. Just because she knows it is rayon, cotton, or anything else, that does not tell you the dyes, nor the finishes, nor the other qualities that make a good fabric, which are the blending and the proper technique used in the weaving of a fabric.

Just because a label is there, a retail salesman can tell her "This is 50 percent rayon." Maybe she thinks rayon is much better than cotton. If so, he can use that to his advantage in selling that chair, when actually the blending of the rayon and cotton together is what makes a good fabric, the type of blending and the manner in which it is woven and blended, not the contents, sir.

Mr. BEAMER. You think there is a difference between the furniture industry and automotive industry in this respect: A piece of furniture usually is used in a home for quite some length of time, while an automobile or suit of clothes wears out in a comparatively short length of time?

Mr. FRICKER. That, I think, is definitely true.

Mr. BODDIE. That is definitely true. But I do think we in furniture stand behind, and get more complaints and handling, longer than the other industries.

In case you were to spill something on one of the seats or a suit, and you present it to a cleaner and it didn't come out right, I think if they take our furniture and something happens, even, as explained this morning, on a time-payment plan, there is an adjustment, and those are made to get an ultimate satisfied consumer, sir.

Mr. FRICKER. Here is a point we have been trying to make. Here are two cloths, 50 percent—the pile only, I am speaking of; the rest is cotton—50 percent acetate, 50 percent viscose, the same price, within a nickel, I mean very close. They are competitive.

This one is a very undesirable fabric. It fuzzes, it snags, and catches. This one is a highly desirable cloth [indicating].

Now, you can go into any store and you can buy either one, they are both the same content. And I am just trying to say the content does not tell the performance or the quality story.

Mr. BEAMER. Does the source of supply have something—

Mr. FRICKER. Let's say it has some effect, but that is no criterion, because this morning I showed a nylon cloth that was one of the finest nylons made, and it fuzzed very badly.

Here is a piece of nylon cloth that is a very expensive cloth, highly desirable from a visual aspect. We would like to buy it, except it fuzzes very badly, and it is the construction of the cloth. It has nothing to do with the yarn content.

Here is a cloth which is 100 percent viscose that is the same thing, nothing to do with the yarn. It is a highly desirable yarn except the construction.

Mr. BODDIE. I would like for you to look at those two, sir. There are two fabrics a hundred percent cotton. They are both a hundred percent cotton, and I am sure you can feel from the quality alone that there is considerable difference.

The label on your chair would read identical. Your retail price in these chairs could vary as much as \$20 and yet the label would say, "Mrs. Jones, these are a hundred percent cotton."

Those prices, the tapestry on your left hand, is \$1.65, and the other was \$2.95. They are both different costs. They are a hundred percent cotton.

Mrs. Jones comes in and is sold a hundred percent cotton fabric and there is the comparison there and it would be prevalent even in your nylons.

Mr. FRICKER. There are three fabrics, the turquoise fabric, the cotton is fuzzing very badly. Cotton is a very desirable fiber, but you can't use that cloth.

We are going to have that fixed up so it will be all right, but saying it has a certain fiber content does not prove the cloth desirable.

Now, the yellow cloth is a chromespun which is a highly desirable cloth and it is all fuzzed up. It has to be fixed.

The other one is an acetate cloth which is a highly desirable fiber, and it won't hold a seam, the thing rips and tears, again it is construction, not fiber content, and we are coming back continuously that fiber content is the most misleading thing we can put on anything that we issued to a retail store or retail customer, because they are not unable to appraise it.

Mr. BODDIE. And both of those are cotton, sir.

Mr. MACK. I am aware of that.

Mr. BODDIE. They are a 100 percent of cotton but of a quality that you see considerable difference there.

That is our prime concern that the contents alone does not determine the serviceability nor will it tell Miss Consumer how long it will last in her home.

Mr. FRICKER. We know this is the important thing, first, you must have a good yarn. All of the yarns we are talking about are desirable. It must be spun correctly. It must be twisted right. It must be woven into correct construction. It must have the minimum number of picks and the minimum number of ends, for a pile fabric.

It must have a certain support, otherwise it is going to fuzz as some of the things you have seen. They must have the right twist in the pile. The metal treatment, if it is a metallic fabric, has to be put in on a certain basis so it won't clip off and break, and all of those things are much more important than the fiber content of the fabric and those are the things that control the quality of the individual fabrics that we buy, and those are the reasons why that we, as an individual company now rather than as the industry, were forced to set up a testing laboratory that cost us a lot of money, and we are very happy to do it because it saved us an awful lot.

It cost us a quarter of a million dollars a year in 1954 to take care of the kind of complaints that we are showing you today and today our complaints are practically nothing as far as fabrics are concerned, because we have set up performance standards, not textile fiber standards particularly.

And any time we get into textile fibers, even Montgomery Ward or Sears Roebuck or the big people I am referring to know more about it than what I am presenting to you today, the people ask us what is it, what is it going to do and we are very open in all our records and we show them.

But those people, the people that are buying the upholstered furniture, are not aware of what the fiber will give you when it is in a fabric.

Mr. BEAMER. May I ask in that connection——

Mr. FRICKER. Yes, sir.

Mr. BEAMER. Whether or not the buyers, both the large buyers and the individual retail purchasers, are they asking for any particular type of cover for your furniture?

Mr. FRICKER. I made that point this morning in that.

Mr. BEAMER. I am sorry, I missed it.

Mr. FRICKER. They are not asking for fiber content except for nylon. Nylon has been an important request.

Mr. BEAMER. In other words, there is a growing request or demand on the part of the consumer for nylon?

Mr. FRICKER. There has been because of the proportional effort and the success that that word has had. And it is wonderful fiber, but other than that, as far as requests for acetate or viscose or this or that or the other thing, there has been very little.

Mr. BEAMER. I am thinking of the natural fibers—cotton and wool primarily.

Mr. FRICKER. No, there has been no request at all. In fact, a little while ago someone asked what do you think it would do for the sale of those fibers, and I feel very positively cotton would go downgrade appreciably because cotton does not have in our industry, even though it is a very fine fiber, it does not have some of the things that the other fibers have and it is a matter of blending.

There is hardly a cloth I have shown you that does not have cotton in it. But when it gets to a matter of appraising it and putting down so much cotton, why it would be, I think, a disadvantage to the sale of the yarn of the fiber.

Mr. BODDIE. As pointed out this morning, sir, and again that the styling and certain type designs, the blend of colors, are most important, and in many cases you can't take any one fiber, rayon, nylon,

cotton, but you have to mix all of them with your viscose and acetate fibers to give you the color contrast that they want or the feel or the texture of the type fabric and it goes back there that the blending and the roper construction is what makes the desirable fabric rather than just to say it is 100 percent anything.

Sometimes they are restricted into the characterization of various fibers, and as shown here, most of them are blended in some way or another to give even effect. The metallic is put in, I would say 99 percent of the time, for effect only, because certainly the wearing qualities of the metallic we see in our fabric does not stand up as well as your other fibers. But it is there for effect, for desirable—it is for salability and it is also requested by consumer and the retailer, so therefore, your fabrics are designed with metallics in them and blended rather than worrying or considering the contents.

Mr. FRICKER. You asked about wool and cotton a moment ago. Another point that very often even people in our own industry forget, this is a fancy goods industry, it is an industry that buys from what they like visually, what they see. They walk in, see a beautiful blue, brown, a beautiful color on a certain frame, they buy it and they are not particularly interested in a fiber content.

Mr. BEAMER. From what I have observed of furniture, the best part of manufacture is woodwork.

Mr. FRICKER. That is right.

Mr. BEAMER. How much do customers look at woodwork?

Mr. FRICKER. Less today, although they are starting to come back.

Mr. BEAMER. May I ask how many of you are starting to emphasize woodwork rather than upholstery?

Mr. FRICKER. This year in April we are going to show some wood for a change.

Mr. BEAMER. Good.

Mr. FRICKER. Everything works in cycles. But getting back to the fancy goods part of the industry, this type of fabric here which is a mohair blend and a very fine fabric and was highly desirable and the backbone of our industry 10 years ago, and it is wool, it is mohair, which we consider wool, and today, because of the style cycle away from this kind of cloth, this today is most unpopular.

This has no importance today in the industry at all. It is coming back to a fancy goods industry that has a certain style requirement, and this can wear like iron, which it does, and it is a wonderful cloth but we sell very little of it because the customer is not interested in the fact it is 50 percent mohair or—it is—rarely, she is not interested in the fiber content, she just doesn't like the looks of the cloth.

She would rather have something else that wears—here is a cloth that—I am fumbling around like a novice here, you fellows must scare me—here is a cloth that is highly desirable today. I mean it is a combination of cotton and viscose, it looks good.

I think it is shown right here in town. But we are forced to drop the cloth, we are right now in negotiations of dropping the cloth out of our line.

Why? Because it stretches. You get a rubber cushion in the thing. You can pick it up like that. This is a stretch test that we just are putting into—which we didn't talk about today as far as tests, and I didn't leave it with the Chairman.

All the rest of our tests I have left with the Chairman, but this stretch test is something which is most important. It has taken us a year and a half to make these tests come out so we know what we are doing.

But again, it is not the fiber content that is causing the trouble. We could make this out of anything. It is the construction of the cloth that is causing the difficulty in this cloth, and that is something that we are positive about. I mean it costs us too much. We have been in it with both feet. We have a big laboratory and we have all sorts of tests.

For example, in the last 2 or 3 months we have taken 50 scoops, made a special schedule, we have cut off a certain amount just to try, if the thing didn't come out right we would have to cut the fabric and throw it away, that is how much we are interested in our industry in giving the customer no cause for complaint and because of this position we have taken in 1953, which was the top of all complaint eras, it was really at that time because of TV and picture windows we had a lot of complaints and we have gone into this, and today our fabric complaints are at a minimum.

And we are just so positive that a fiber textile composition is most confusing and would do nothing but confuse the retail customer, our customers, our salesman, and in fact, it would confuse everybody in our industry except the few people who are making it.

It does not tell quality absolutely and definitely, and you can go to United States testing or your own United States Bureau or anything you want, and fiber content does not tell quality.

When you are talking about guaranties which come up so often in many industries, this is guaranteed for this or that, do they ask, is it guaranteed to be steel or is it guaranteed to run? Is it guaranteed to have a textile fiber content, or is it guaranteed to not stretch or to not burst out at the seams, or it won't fade or all of the things that are important from the performance standpoint.

Mr. AVERY. The tire industry is a good example.

Mr. FRICKER. You don't care whether it is rubber or not. That is the same thing we are saying here. We don't care whether it is synthetic or latex rubber.

For example, we use a lot of latex in fabrics, most of the fabrics today are latex backed.

For years and years they were all original virgin latex. During the war we got out of that and got into synthetics and a group of synthetics.

Of course, we had a little difficulty. Today the synthetics are far better than any originals we ever had.

We don't mention it, it is just a fine fabric. We don't care whether it is synthetic or what, as long as it gives a fabric that is going to wear gracefully over a period of time and the customer knows she won't have to replace it and is satisfied.

They don't care whether it is 10 percent this or 15 percent that or whatever the content is.

Mr. AVERY. Somebody made the statement this morning that a substantial portion of the furniture business was made on special order to individual delivery.

Mr. BODDIE. Yes, sir; a great deal of it is made. I would say—

Mr. AVERY. That surprises me. What percent would that be?

Mr. BODDIE. About 80, 75.

Mr. FRICKER. In our firm it wouldn't be 80. We are large. We have big dealers and a lot of them come into a market and buy a certain amount of goods and stock it on their floor.

But during the period like now where business is not too active, most of the orders that come in come in on a sold order basis, and that means this—

We have these cards out to 10,000 dealers. A woman will come in. She will go through the card shelf, see this piece of furniture here—“Well, I like that color”—and that is generally 90 percent of the retail buying—“I like that color, and that is what I want on there.”

And it could be made out of cellophane or it could be made out of anything. She likes that color.

Mr. AVERY. Are you saying that 80 percent of the furniture made is made on special order, we will put it that way?

Mr. FRICKER. No; with our experience, I would say 50. His experience with his company would be different. We are, I think, on a little broader basis.

We cover from Chevrolet through the Cadillac price ranges, through our several lines, and I would say that 50 percent over the year would probably be on—maybe it is 45, maybe it is 53, I don't know, but I do know from time to time in reading the letters from our works managers they will say this week 65 percent of all orders were taken on a sole-order basis, and then the next week it might be 45. But it depends on how business is.

Mr. AVERY. Does that mean it is actually finally sold to the customer or does that mean it is sold to a dealer?

Mr. BODDIE. It is sold to a consumer prior to even being ordered. If your wife went in and said to the store, “I want this chair and this color,” it is shipped and marked for your name, sir, to the store and delivered to your home.

Mr. AVERY. Would that percentage apply pretty well to the industry? That amazes me.

Mr. FRICKER. It may because of promotional type of furniture go down to 40, but it is very high. Certainly the higher you go in price range or style range, the greater it is.

In other words, in the Cadillac you would get 90 percent, in the Chevrolet you might get 30 percent or 40 percent on; it would vary.

Mr. BODDIE. There are certain times of the year, I think, that we would find this very prevalent, too; that would affect your average, sir.

In other words, the spring of the year, furniture being for some reason, in the spring it would go very high, as today.

Right in this period of time from now, we will say, until June market, your percentages are way up on special orders previously sold to a consumer on the retail level for a specific coloring or a fabric, primarily because it blends with her drapery or her previously bought chair or it goes in with something she just likes.

And in the fall of the year there are a little more stock orders. A man will come into our place and buy 6 in this color, 6 in that color and 6 in that color, but predominantly a great deal of the business, and in may houses it will run to 80 percent, and in a promotion house it will go down to 40.

But a great percentage of it is a special order, for a particular consumer, marked for it when we make it.

Mr. AVERY. Another question along the lines of Mr. Beamer's, you mentioned a while ago you would have 2 chairs side by side, 1 of them costing—I believe you used the figure \$500, and another one alongside it \$19. The figures are not important.

On that basis there would be something different in the quality of those two pieces of furniture other than just the covering, though, would it?

Mr. FRICKER. Oh, yes, definitely.

Mr. BODDIE. Yes.

Mr. AVERY. I thought that was probably right. The inference was, the only inference was in the fabric.

Mr. FRICKER. I don't mean to make that point. I will say this, you can go into different stores and see a chair for \$79 and \$179, and the only difference is the fabric and both with the same textile content or a greater spread than that with the same base construction.

Mr. AVERY. Just one more question. I believe you stated the industry uses approximately 50 or 60 million yards of fabric a year.

Would the amount used by a reupholsterer, if I can use that word, would it approach anything like that figure?

Mr. FRICKER. It is a very substantial figure. What it is we have never been able to find out. Most of them are little holes in the wall, let's say they are a one-man operation.

Mr. AVERY. That is right.

Mr. FRICKER. Or a two-man operation. And that, I doubt, regardless of what you do here in this committee or in the way of a bill that you will ever control it because it is more or less of a personal thing in a community.

And I would say that 10, 20, 30, million, it could be that without any question at all.

Mr. AVERY. I had that impression, it would probably be a substantial proportion.

Mr. FRICKER. That is right. It is a very substantial proportion. It would be, I would say, almost impossible to control it.

Mr. AVERY. And most of his sales are made from samples that he has on the wall?

Mr. FRICKER. Yes, sir.

Mr. BODDIE. Usually he could be a repairman for a larger store or have a job and he does this at night, but there is terrific volume and yardage on the amount of furniture reupholstered by these reupholsterers and strictly a small operation, 1, 2 brothers, or something of that nature.

Mr. AVERY. That is all, Mr. Chairman. That concludes my questions, Mr. Chairman.

Mr. MACK. Thank you.

I want to see that I perfectly understand your problem when you do have special orders. When you have a special order you would be required to do the same thing if you do upholster the fabric?

Mr. BODDIE. A special order, if it is one of our fabrics.

Mr. MACK. I understood that the fabrics were on display at the dealer.

Mr. FRICKER. That is correct.

Mr. BODDIE. That is correct.

Mr. MACK. Referred to.

So then you have no special problem there, do you?

Mr. BODDIE. You have the same problem there.

Mr. MACK. The same problem, but no additional problem?

Mr. BODDIE. Now, sometimes we get into a special order, a customer for whom the store may have a particular fabric in their yard goods department that we don't run as a manufacturer or he wouldn't run, that Mrs. Jones wants that fabric.

They, in turn, would ship us the 10 yards, the 4 yards, we would make the chair up.

Now, we would have to be supplied the information from the store for that and in many cases they may pick this fabric up, if you have it on all the bolts, the individual consumer would have to pick it up from the decorator to bring it to the store, in turn mail it to us to go back on the chair.

Mr. MACK. Under the present law, they wouldn't be required to send you that information. Under the labeling legislation, I believe that they would have the information to send to you so that you could include the information without too much difficulty.

Mr. BODDIE. Well, it would have to be included as I interpret the law, sir; that the consumer would supply it to the store, who would in turn supply it to us, and we would put it on the chair.

Mr. MACK. I didn't see a real complicated problem there and that is the reason I was inquiring about it.

Mr. FRICKER. I think probably why we are all so aware of it, that I think you gentlemen are also aware in industry today that one of the biggest problems that industries at all levels have are the white collar help.

I mean the way it seems, all industries are getting loaded with that type of personnel. I mean, out of relation to what you are turning out in dollars or out of relation to your productive people, it seems with all of the regulations and things that are coming through, well, it is a couple of more people here and it is a couple of more people here, and pretty soon you look over your personnel and look down there and you really see them stacked up.

And if it did anything, really did anything for the customers, we certainly would be for it. But we are positive that it would do nothing but confuse them.

And on that basis, to add additional help, and to add additional costs, regardless of who pays for it—I mean whether we absorb it or the other fellow pays for it—I don't think is too important from maybe your decision.

But it is a substantial thing. It is a troublesome thing, something that gets in your hair.

It is not a thing that is normally done. However, we certainly can handle it, there is no question about it. We can handle it and it is an additional cost, but it is not going to do, we are positive, anything but confuse the retail customer and the retail salesman, and the retail store.

Mr. MACK. I appreciate the testimony this afternoon. I think we have explored this problem and we have a better understanding of the problem as a result of the testimony we have had.

It seems to me that the consuming public is entitled to know what they are buying, whether it comes in furniture, suits or sheets or what type of an item that is included.

I still think they are entitled to know. One of the reasons I feel they are entitled to know is because of a conversation I had the other day when a person told me that they would be able to have a synthetic fur that will be as good as the natural furs, and that even the experts in the field will have extreme difficulty in differentiating between the two.

And that the synthetic will probably wear as long as the natural fur.

Now, when you have that situation, I believe that the public is entitled to know whether they are buying natural mink or synthetic mink, and I believe the same is true about his labeling legislation.

And that is that the manufacturers feel they are entitled to know the content of material, and, therefore, it seems to me that there is something to be said in favor of this legislation for passing this same information on down to the ultimate consumer through your various middlemen body.

Mr. FRICKER. Mr. Chairman, as a final thing, in regard to that, I think the consumer needs as much information as possible.

But the approach, in our opinion, or the problem we are confronted with in this, is that the consumer is getting the contents on a chair in covering, does not justify, it does not tell her the quality.

It does not guarantee her any wearing qualities, it does not guarantee her color fastness, it does not guarantee her that it will hold up for any length of time, just because of a label content.

Now, we tell her that she is getting cotton, we tell her she is getting either nylon or whatnot, that still does not give her the quality features that she probably should know.

And if we had some way of getting that to her, so that she would know that certain fibers are definitely much better than others, I think that you would find a different feeling.

But it is our opinion that the contents can be so similar in the various qualities that Mrs. Jones can be told that and when she gets home it does not hold up for any length of time whatsoever, and the contents do not help her or protect her by having a label and giving the contents.

Just one thing in closing, gentlemen: The reason that we are so strongly opposed is that we have just over the last 3 or 4 or 5 years gone through quite a session as manufacturers with suppliers.

It has been necessary for me to work with many rubber people for bagging of cloths—with American Viscose, with Du Pont Co., and with other people in regard to yarns, trying to come up with a performance cloth or cloths, and we didn't particularly care about the fibers, and because of all this history we have had in the last several years, we feel that we have come out a better industry, better fabrics, better performance, and we feel very strongly that we should be not included in this bill because of what we have expounded today.

We want to take this opportunity to thank you for your patience, and if we can at any time come back down here to answer any of your questions, why we would be very happy to do so, to bring exhibits or do anything we can to help you come to the right decision.

Mr. MACK. Thank you very much. We have appreciated the testimony today.

Mr. BODDIE. I would like to thank you, Mr. Chairman, for also allowing me to present Mr. Ryan's file as a part of the record, and I appreciate this opportunity and any further information that we can give or helpful information we will be very glad to supply it for you, and we hope that you will give consideration to our testimony in either rewriting or preparing a bill for final consideration.

Mr. MACK. Thank you very much.

Off the record.

(Off the record.)

Mr. MACK. We have one more witness this afternoon, I believe, James L. Fri, president, Upholstery and Drapery Fabric Manufacturers Association, Inc., New York.

Mr. HARPER. Mr. Fri has been called away and he asked me to read his statement for him.

**STATEMENT OF JAMES L. FRI, PRESIDENT, UPHOLSTERY AND
DRAPERY FABRIC MANUFACTURERS ASSOCIATION, INC., PRE-
SENTED BY VALENTINE J. HARPER**

Mr. MACK. Give your full name for the record.

Mr. HARPER. Valentine J. Harper, W. Sidney Blumenthal & Co., in New York.

This is a statement of the upholstery and Drapery Manufacturers Association concerning the proposed labeling and textile fiber products bills, H. R. 469 and H. R. 5605.

I believe the statement is now a part of the record. You gentlemen have copies, do you? It is addressed to Representative Peter F. Mack, Jr., Washington, D. C.

MY DEAR MR. MACK: This statement is submitted on behalf of the Upholstery and Drapery Fabric Manufacturers Association, a voluntary trade association whose membership represents more than 75 percent of the production of furniture upholstery fabrics.

The association recommends that exemption should be granted for furniture upholstery fabrics from the provision of H. R. 469 and H. R. 5605 for the following basic reasons and considerations:

1. Information regarding the fiber content of an upholstery fabric does not give the consumer any considerable help in evaluating the performance of such fabrics. It is the engineering and the quality of construction and finishing that makes for satisfaction in end use.

Every fiber used in the manufacturing of upholstery, whether natural or man-made, has specific positive characteristics, but no fiber has all plus elements.

It is the manufacturer who, through proper engineering, blending, construction, and finishing must produce a fabric that will make affirmative use of these positive characteristics and at the same time negate or absorb any disadvantages that a particular fiber may have.

Improper manufacturing and finishing can turn some of the advantageous properties of a fiber into liabilities by failing to retain them in the finished product.

In brief, of 2 fabrics having exactly the percentages of 2 or more fibers, the one may have substantially more value in consumer use than the other.

Evidence to support this conclusion can be observed at any time in the experimental and testing laboratories of fabric and furniture manufacturers or in independent testing companies, and by a study of the fabrics that have caused consumer complaints because of unsatisfactory performance.

2. Not only does information regarding fiber content not give the consumer any considerable help in determining the relative value in use of different fabrics, but in practice the emphasis of such fiber content in selling and promo-

tion more often tends to mislead or misguide the consumer, who is encouraged to rely on fiber content as an index of relative quality which it is not. Mandatory labeling would further encourage this misapprehension.

For this reason, and others, there has been during the past 3 years a very definite trend away from using fibers and fiber ratios as sales "gimmicks" or as information to the consumer, among the more responsible business firms, from the retailer right back to the fabric manufacturer.

It has been clearly demonstrated that it is in the laboratories, on the looms, and in the finishing and inspection rooms of the fabric manufacturer, and not in the trade or consumer press, nor on banners and fiber label tags attached to a piece of furniture, that the so-called battle of the fibers must be waged if fabrics are to be made ready for satisfactory end use.

3. In the opinion of fabric manufacturers, mandatory labeling would tend to nullify much of the progress which retailers and furniture and fabric manufacturers have made in a self-initiated cooperative program to protect the consumer's interest by locating and screening out the major causes of potential complaints before the fabrics are put into the distribution channels.

In summary, the background, objective, and major characteristics of this program are as follows:

During the past few years, developments in new fibers, new processes, and other factors affecting the performance of fabrics came faster than they could satisfactorily be absorbed by some segments of the fabric and furniture industry.

The result was some "maldigestion" and some unsatisfactory experiences with the end-use performances of certain types of fabrics.

About 3 years ago retailers, furniture and fabric manufacturers put into operation a cooperative program—first, to locate by industry-wide survey the specific major causes of consumer complaints, and then to develop and put into effect corrective measures.

The major causes of complaints, as reported from the retail and furniture levels of trade, were distributed to all fabric producers as a guide or check sheet for the testing laboratories and inspection departments, encouraging more pretesting and better inspection.

Then a joint committee of fabric and furniture men developed, approved, and distributed to all fabric producers a list of specifications and tests for the development of minimum standards on such items as seam slippage, tear strength, break strength, fraying and raveling, colorfastness, and so forth.

This is just the beginning of a continuing program in which each major cause of consumer complaint is studied jointly and corrective measures adopted.

A systematic study of complaint causes disclosed that practically none of them were due to lack of information regarding fiber content and one of them would have been avoided if the consumer had had full knowledge of the exact ratio of fiber content at the time of purchase.

In the light of the above facts, we submit that the consumers' interest and real needs will be better protected by the joint efforts of manufacturers and distributors in their direct attack of complaint causes, rather than by mandatory labeling which would increase costs and dissipate time and effort without practical benefit to the consumer.

4. A label attached to each piece of furniture, disclosing the fiber content of the fabric, will not, per se, give the consumer any considerable help in evaluating the degree of satisfactory performance, and yet such a law will add millions of dollars to the costs of distribution, which the consumer will have to pay.

Information regarding fiber content is given to the buyer by the fabric manufacturer either on the invoice or attached to the roll, but it is in the transferring of this information accurately and completely to each piece of furniture that the consumer is paying in additional costs many times more than the actual use value of the information received.

In addition to the high costs to the industry of physically affixing accurate fiber content labels to each textile product, and of maintaining the necessary records, the expenses of governmental administration of mandatory labeling would be greatly increased.

5. It is the opinion of fabric producers that the consumer's interest would be better served if instead of mandatory labeling of the fiber content on all fabric products, there be enacted more effective legislation similar to that in Great Britain and Canada, requiring that when and if fiber content is used on labels

or in advertising and selling, there must be full and nondeceptive disclosure of the content—a law against deceptive and misleading labeling, advertising or presentation of fabric products.

For the above reasons, we respectfully urge the committee to adopt such amendment to H. R. 469 and H. R. 5605 as would have the effect of exempting upholstery fabrics from the provisions of these bills.

Respectfully submitted.

JAMES L. FRI,

President of the Upholstery and Drapery Fabric Manufacturers Association, Inc.

Mr. MACK. Mr. Harper, are you associated with Mr. Fri?

Mr. HARPER. No.

Mr. MACK. You are not?

Mr. HARPER. No. I am the chairman of the board of the Upholstery Association, but I am not associated with him in his particular job. I am in a business way, yes.

Mr. MACK. Would you like to have—would you like to defer questioning to Mr. Fri, or would you like to—

Mr. HARPER. I would be very happy to answer any questions I can, if you have any particular questions about the association.

Mr. MACK. Mr. Beamer.

Mr. BEAMER. Thank you, Mr. Chairman.

I think that any questions I might ask would be repetitious of the ones I asked of the gentlemen who appeared on behalf of the furniture industry, because I think the witness just now has more or less repeated very much the same philosophy. So I will pass.

Mr. MACK. Mr. Avery.

Mr. AVERY. I will concur with Mr. Beamer.

Mr. MACK. I think that is true, that practically the same argument has been made.

However, I have one question in particular that I wanted to ask. That had to do with your fifth point in your statement.

Did I understand your statement to say that the British and Canadian plan is more effective than the legislation we are considering today?

Mr. HARPER. I don't have any knowledge of that. I couldn't answer that question.

Mr. MACK. That is the reason that I asked the question.

Mr. HARPER. I don't have any knowledge of it. I was reading Mr. Fri's statement on that.

Mr. MACK. I interpret that, or thought that as stated in his statement, that it was more effective, and I certainly couldn't disagree more emphatically with any statement that I know of.

I wanted to ask a question that I asked of representatives of the furniture industry. In your statement as to point 4, you mention that it would add millions of dollars to the cost of distribution.

I was not convinced from their testimony that it would add millions of dollars to the cost, and certainly the individual cost would not be great.

Mr. HARPER. Not per item, no. As an industrywide—

Mr. MACK. I wanted you to elaborate a little on that point?

Mr. HARPER. Well, as an industrywide proposition, it would certainly be an expensive proposition. An individual piece of furniture, it wouldn't necessarily be tremendously expensive.

Mr. MACK. Well now, how do you sell most of your fabrics, by the bolt?

Mr. HARPER. That is correct.

Mr. MACK. To——

Mr. HARPER. Furniture manufacturers.

Mr. MACK. And draperies the same way?

Mr. HARPER. We don't manufacture draperies, my particular firm, but draperies are done the same way, I presume.

Mr. MACK. It looks to me like it would be relatively simple so far as your industry is concerned; put another little tag on each bolt.

Mr. HARPER. Well, another little tag is the point.

Mr. MACK. Or to include the information on some sort of a tag or invoice that you send to them today. I mean, I was trying to understand where you got hold of the figure of \$1 million or millions of dollars.

Mr. AVERY. Millions of dollars.

Mr. MACK. Millions of dollars in costs of distribution, and I must say I have a great deal of sympathy for the furniture manufacturers and the drapery people, too, today. I think you have a very weak argument in proving that it is going to cost you millions of dollars additional to include this information that would be required if this bill becomes law.

Mr. HARPER. Well, I couldn't speak for the furniture manufacturers or the other fabric manufacturers, but in our own particular case, where we are set up with an IBM system, it would mean a complete change in our system to furnish this information to the furniture manufacturers.

Mr. MACK. Would that mean you would have to use another key on the IBM machine?

Mr. HARPER. No, it would mean that all our processing tickets printed for our routing of goods through the plant at the present time would all have to be changed, the whole machinery would have to be changed.

The system of using the number of digits that you use on the IBM, we are up to six, and we can't go any further under the present setup, we would require another ruling system there that would mean that the whole situation would have to be changed.

Mr. MACK. Perhaps I have oversimplified the case. I can understand where the furniture manufacturers would have a more difficult problem than you would have.

Mr. HARPER. Definitely, very definitely.

Mr. MACK. So far as your industry is concerned, I can't see any tremendous expense, amount to millions of dollars, when it only a case——

Mr. HARPER. Pardon me.

Mr. MACK. Of 3 or 4 names onto your invoices and tags that you already include on your merchandise.

And I just question that it would—I know that the Congress and this committee doesn't want to burden industry unduly, but it would appear to me that this has been overexaggerated.

Mr. HARPER. I would think Mr. Fri was taking in his statement, the picture of the entire cost, both from the furniture manufacturers standpoint, the retailers standpoint, and the manufacturer of fabrics.

Mr. MACK. I wish to thank you very much for your statement today. I am very sorry that Mr. Fri is not here, because I must say for myself, I am not in complete agreement with his statement and I would like to ask some questions.

I am of the opinion that some of my colleagues here might be interested in asking questions.

Mr. HARPER. Well, if you would like that we can have Mr. Fri come down at another time; if you can have another hearing, we would be very glad to have him come down and have you ask him some questions.

Mr. MACK. I know that he would be welcome to testify before this committee at any time.

Mr. Harper, thank you very much for your statement.

Mr. HARPER. Thank you, gentlemen.

Mr. MACK. Do we have any other witnesses here today who have been waiting to testify?

I think that concludes our schedule for today. The committee will stand adjourned until 10 o'clock tomorrow morning in the same room.

(Whereupon, at 4:10 p. m., the committee adjourned, to reconvene at 10 a. m., Friday, April 12, 1957.)

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

FRIDAY, APRIL 12, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in room 1302, New House Office Building, Hon. Peter F. Mack, Jr., chairman of the subcommittee presiding.

Mr. MACK. The committee will come to order.

We are continuing hearings this morning on the textile labeling legislation, H. R. 469, H. R. 5605, and H. R. 6524.

The Chair would like to insert in the record at this point a communication from the National Grange; from the Furniture Manufacturers Association of California, a telegram; a statement from the Thread Institute, Inc.; a statement from the Mail Order Association of America.

(The documents referred to are as follows:)

NATIONAL GRANGE,
Washington, D. C., April 3, 1957.

HON. PETER F. MACK, JR.,
*Chairman, Commerce and Finance Subcommittee,
House Interstate and Foreign Commerce Committee,
House Office Building, Washington, D. C.*

DEAR CONGRESSMAN MACK: The National Grange urges you and your subcommittee to support H. R. 469, which is designed to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The policy of the National Grange concerning this matter is contained in a resolution passed at the last annual meeting of our delegate body, held in Rochester, N. Y., last November. This resolution is as follows:

"The National Grange favors the enactment of legislation requiring the labeling of all fabrics made of cotton and/or synthetics showing the true fiber content of the fabric."

It is our opinion that H. R. 469 will make it possible for cotton to be sold on its merits, and will enable consumers to know exactly what kind of fabric they are buying, with a minimum of inconvenience and impact upon the people who would have to comply with the legislation.

We hope that this legislation will receive the approval of the full House Interstate and Foreign Commerce Committee, and that it will be passed by the Congress.

Respectfully yours,

HERSCHEL D. NEWSOM, *Master.*

LOS ANGELES, CALIF., *April 4, 1957.*

HON. PETER F. MACK, JR.,
*Chairman, Subcommittee on Commerce and Finance,
Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.:*

In re H. R. 469 and H. R. 5605 labeling of textile fiber products. Furniture Manufacturers Association of California, representing entire furniture manu-

facturing industry of this State, including mattress and upholstered furniture producers, wishes to record its opposition to adoption. It does not appear necessary that upholstered furniture and bedding be labeled in this proposed manner since our own experience in California with labeling laws relating to filling materials demonstrates that the consumer is not assisted by information which simply shows fiber content. Consequently, to compel hundreds of quite small manufacturers to label their fabrics, which are multitudinous, is to impose a cost burden which is not at all commensurate with the benefits which might be expected by proponents of this legislation. Our views we believe, concur with those presented by the National Association of Furniture Manufacturers and the Southern Furniture Manufacturers Association.

EDDY S. FELDMAN, *Executive Secretary,*
Furniture Manufacturers Association of California.

STATEMENT SUBMITTED BY THE THREAD INSTITUTE, INC., NEW YORK, N. Y.

APRIL 4, 1957.

Re Hearings on H. R. 469 and H. R. 5605.

Hon. PETER F. MACK, Jr.,

*Chairman, House Interstate and Foreign Commerce Subcommittee on
Commerce and Finance,
House Office Building, Washington 25, D. C.*

DEAR SIR: This statement is submitted by the Thread Institute on behalf of the thread industry, presenting its views with respect to H. R. 469.

The thread manufacturing industry at present is composed of approximately 100 concerns whose plants are located mainly in small towns in 20 States. The Thread Institute is the organized trade association of thread manufacturers in the United States America and its 55 member companies represent over 90 percent of the entire production of the thread industry.

At the outset may we say that the thread industry is in accord with the stated purposes of H. R. 469. For over 40 years the thread industry has been in the forefront in favoring informative labeling and in sponsoring thread-marking legislation for the protection of the purchasing public. In fact one of the main purposes of the Thread Institute is to foster correct labeling as to quantity and quality and close adherence to all Federal and State laws and regulations dealing with informative labeling.

However, we do not believe that H. R. 469 is intended to cover the textile products of the thread industry. "Sewing thread" is in fact specifically exempted from the provisions of H. R. 469, but some qualifications are mentioned in section 12 (a) with respect to the exemption of sewing thread. We feel that all threads, both sewing threads and handicraft threads should be unequivocally exempted from H. R. 469 for the following reasons and considerations:

THREAD INDUSTRY PRODUCTS

The thread industry has two distinct branches, namely, domestic or household threads and industrial or manufacturers' threads. The designation "domestic" threads is an established trade term covering all the products sold through the retail dealer to the ultimate consumer for hand or machine sewing and art needlecraft. The products of the industry are classified in two groups: (a) Sewing threads for both household and industrial uses, and (b) handicraft threads for household uses.

All these threads are grouped together as being subject to the same weight and measure provisions on the various state laws relating to thread, as well as in the textile section of the model law on weights and measures approved by the National Conference on Weights and Measures in Washington, D. C., which is sponsored by the National Bureau of Standards. The United States Census of Manufactures groups all types of threads, both sewing and handicraft threads, into one class—standard industrial classification, code 2223.

The Thread Institute's statistical survey for 1956 indicated that approximately 68 million pounds of thread of all kinds were sold in the United States of America of which approximately 87 percent were sewing threads and 13 percent handicraft threads. Of all the threads sold, about 95 percent are made of cotton and only about 5 percent are made from fibers other than cotton.

YARNS AND FABRICS

The term "fabric" is defined in H. R. 469 as "any material woven, knitted, felted, or otherwise produced from * * * any * * * yarn".

Obviously no product of the thread industry can be called a fabric as defined in the bill.

The term "yarn" is defined as "a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric".

SEWING THREADS

"Sewing thread," as sold in the thread industry, consists of a smooth, evenly spun, hard-twisted or braided, ply or cable yarn treated by special processes to make it resistant to abrasion in its passage through material in stitching operations, and used to join two or more materials together. Webster's New International Dictionary defines "to sew," "to unite or fasten by stitches made with a flexible thread or filament * * *."

It is apparent that the term "yarn" as defined in the bill does not include "sewing thread." Sewing thread is not used to fabricate a fabric, but rather it is used in joining two or more fabrics or other materials together.

Sewing threads are all made entirely of a single fiber, such as all cotton, silk, linen, rayon, nylon, dacron sewing threads. In all industrially fabricated garments and textile articles, the sewing thread used represents a very insignificant part, and would not affect the labeling of the fiber content of textile articles into which it is sewn.

HANDICRAFT THREADS

Handicraft threads, as sold in the thread industry, consist of specially finished, plied, soft-twisted yarns used for darning, mending, crocheting, tatting, embroidery, hand knitting, and for other art needlecraft uses.

These handicraft threads are used by the consumer personally to make household articles, such as doilies and accessories, and personal articles such as scarves, collars, belts, pot holders, dolls, and other novelty toys, etc., and to create decorative effects for personal uses.

These threads are not used or intended to be used for fabricating into a fabric, in the commercial sense, as are the yarns as defined in H. R. 469.

EFFECT OF THE PROVISIONS OF H. R. 469 ON PRODUCTS OF THE THREAD INDUSTRY

H. R. 469 provides, among other things, that all textile fiber products must be labeled with the constituent fiber or fibers in the order of predominance by weight, and the percentage of each fiber present of 5 percent or more, as well as the name or other identification (issued and registered by the Federal Trade Commission) of the manufacturer or other person subject to the act. This means that even a thread product made of a single fiber must be marked with the percentage of fiber content, such as for example, "100 percent cotton," "100 percent nylon," etc.

Furthermore, section 4 (c) of H. R. 469 requires in effect that any statement made in any written advertisement with respect to the fiber content of a textile fiber product must contain the same information as that specified in section 4 (b).

We believe that H. R. 469 is not intended to cover the products of the thread industry. As a matter of fact, section 12 (a) in paragraph 6 exempts "sewing thread." But for reasons not clear to us, section 12 (a) further provides that the exemption for sewing thread, paragraph (6), "shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification, covered by section 4 of this act."

Sewing thread today is made, as already stated, of single fibers, i. e., 100 percent cotton or 100 percent nylon, or 100 percent silk thread, etc. When these thread products are advertised in publications or on display materials, or are sold or offered for sale, the textile fibers of which they are made are naturally described or identified either by a brand name or by a statement as to whether the thread is a cotton thread, nylon thread, silk thread, etc. But it would appear from section 4 (c) that merely the listing of such thread products, identified as to the different types of fibers, might remove the exemption provided by section 12 (a). We do not believe such restriction was intended by the bill for sewing thread, as it would have the effect of nullifying the exemption of sewing thread altogether.

PURPOSES OF H. R. 469

As stated in the bill, its purposes are "to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products * * *." Section 2 of the bill sets forth the textile fiber-products intended to be covered; i. e., yarns and fabrics "used or intended for use in household textile articles, such as wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings, beddings, and other household textile goods." Is it not apparent that it is the yarns and fabrics manufactured or intended to be manufactured into the above-stated end uses that are to be covered by this bill? It is in the manufacture of fabrics and the specified end products industrially made therefrom that informative labeling of fiber content can serve a useful purpose. It is in this area in recent years that the market has seen numerous blends of materials and mixed fibers, in which there may be need for further informative labeling, not already covered by law.

NO NEED OF LABELING FIBER CONTENT OF THREAD PRODUCTS

We do not believe it is the intention of the proponents of this bill to cover the products of the thread industry just as it appears from the context of the bill that other textile-fiber products are intended to be excluded from the provisions of this act. Because of the considerations heretofore cited, we submit that it is not necessary to label the products of the thread industry with the textile-fiber content for the protection of the ultimate consumer.

Furthermore, since sewing and handcraft threads are of such a highly specialized nature and serve so many different purposes, depending upon the kind of fabrics and end uses to which they may be applied, it necessitates the production of well over 100,000 different types of threads in various sizes, finishes, constructions, colors, and put-ups, such as spools, tubes, cones, bobbins, balls, skeins, etc., and in various yardages and weights. To comply with all the provisions of H. R. 469 would mean the complete revision by all members of the thread industry of the labeling and the replacement of the supply of labels, wrappers, containers, and display material, involving also the purchase of thousands of new dies, all of which would call for an additional investment of many hundred thousand dollars. Ordinarily, such increased production costs are ultimately borne by the consumer. As there does not seem to be any public need for the labeling of thread products with the textile fiber content, the incurring of the above-mentioned expense would be an unnecessary waste and financial burden both to the manufacturer and the ultimate consumer.

RECOMMENDATIONS

For all the reasons set forth above we therefore recommend that both sewing and handcraft threads be exempted from the provisions of H. R. 469 by amending paragraph (6) in section 12 (a) to read "sewing and handcraft threads"; and by deleting reference to paragraph (6) in section 12 (a) following paragraph (10).

Respectfully submitted.

THE THREAD INSTITUTE, INC.,
(Signed) F. L. JOHNSON,
Chairman of the Board of Directors.

NOTE.—We respectfully call your attention to our supplementary statement, hereto annexed, relating at H. R. 5605.

APRIL 4, 1957.

Re hearings on H. R. 469 and H. R. 5605.

Hon. PETER F. MACK, Jr.,

Chairman, House Interstate and Foreign Commerce Subcommittee on Commerce and Finance, House Office Building, Washington, D. C.

DEAR SIR: This supplementary statement is submitted by the Thread Institute on behalf of the thread industry, presenting its views with respect to H. R. 5605.

We respectfully refer you to the foregoing attached statement relating to H. R. 469 submitted to your committee, which is included here, by reference, and made a part of this supplementary statement.

Our views and recommendations with respect to H. R. 469 apply equally to H. R. 5605, since the purposes of both bills are the same, and the labeling requirements are practically the same as they would affect the textile fiber products of the thread industry. H. R. 5605, like H. R. 469, would require every thread

product to be labeled with the total fiber percentage when a thread consists of even a single fiber, such as 100-percent cotton, 100 percent silk, etc.

There are certain respects in which H. R. 5605 differs from H. R. 469 and we would urge the following recommendations:

H. R. 5605 does not include the provisions contained in section 3 (d) 5 of H. R. 469 which states that the act does not apply "to any textile fiber product until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided * * **" We consider this a meritorious provision and strongly recommend that it be included in any labeling bill.

As H. R. 5605 does not specifically exempt sewing thread as does H. R. 469, and for the reasons advanced in our statement relating to H. R. 469, we would urge that H. R. 5605 should likewise provide for the unequivocal specific exemption of all sewing and handcraft threads.

Respectfully submitted.

THE THREAD INSTITUTE, INC.,
(Signed) F. L. JOHNSON,
Chairman of the Board of Directors.

STATEMENT SUBMITTED BY THE MAIL ORDER ASSOCIATION OF AMERICA,
WASHINGTON, D. C.

FOREWORD

The MOAA has taken cognizance of the problems and diversity of opinions concerning the development of all textile labeling legislation. A special committee was appointed in November of this year to give full consideration to the implications of such legislation in terms of:

Informative interest to the consumer.

Effect on distribution costs to be ultimately passed on to consumers.

This presentation is made on behalf of the entire association group. Direct representation on this committee given by the following:

Aldens, Inc.

John Plain & Co.

Montgomery Ward & Co.

Sears, Roebuck & Co.

Spiegel, Inc.

GENERAL CONCLUSIONS

Need for legislation.—The MOAA has agreed that experience with similar legislation (Wool Act, Fur Act, and other FTC regulations) gives reason for the opinion that uniform legal coverage for the labeling of all textiles can be practicable and in the public interest.

Effect on distribution costs.—It is necessary to point out that any labeling and advertising regulations will result in significant, rather than incidental, additional distribution expense.

The very real and additional expense will be incurred for: (1) Advertising media space and lineage, (2) policing to assure compliance with the laws by suppliers and by a company's buying and advertising staffs.

These costs will be ultimately paid by the consumer as are any other merchandising costs.

Implications to advertising.—Because of our substantial interest in mail-order as well as other retail distribution, we are concerned with the impact on general advertising practice. In the distribution of general merchandise at the consumer level, we are dedicated to a balanced and reasonably comprehensive description of any article of merchandise.

Legislating for the disclosure of one kind of information should not result in precluding the disclosure of other information which can be of more importance to the consumer. In pursuing our policy it is evident that readability and understanding of advertising cannot be aided by a requirement of stating many exact percentages of fibers in the fabrics for sale. It is our belief that application to advertising of all the technical requirements planned for labeling will receive little consumer interest and will render our advertising unwieldy and ineffective. The effect of this weakening of promotional effort will increase distribution costs beyond any returns the customer can expect.

In view of the ultimate effect on the consumer (information for dollar of advertising cost), this particular economic aspect must be treated carefully.

Attitude on proposed legislation.—We have carefully analyzed all of the recently proposed legislative acts. We are in agreement that the Smith Act has the outlines of the most practical legislation so far proposed.

Need for flexibility in application.—Without flexibility as to application, legislation can have a directly opposite effect of being informative to the public. The permissible denominators of terminology must coincide with public knowledge about classes of fibers and textiles in use. Such information comes to the average consumer as a result of publicity which has already been made at considerable expense to the economy.

Clarification of the coverage of the act

It is submitted that the words "accessories," "furnishings of a type customarily used in a household regardless of where used in fact," and "household textile goods" lack definitude and are so comprehensive that they will create confusion as to the coverage of the act.

The labeling of the filling of bedding is covered by laws of most of the States. In view of the fact that the coverage of such filling by this act would create conflicting jurisdiction, it is believed that the coverage of the act should be limited only to the outer coverings of bedding.

It is, therefore, suggested that section 2 (g) of the act be changed to read as follows:

"(g) The term 'household textile articles' means articles of wearing apparel and costumes, draperies, floor coverings, outer coverings of furniture, and outer coverings of beddings."

Permissible terminology under the act

The main purpose of the act is to inform the consuming public about the merchandise it is purchasing. A requirement that generic names must always be used to identify merchandise will to a large extent defeat that purpose.

For example, the average consumer knows the properties of "dacron" but is probably not familiar with the term "polyester fiber."

We, therefore, advocate the recognition of those nondeceptive brand names which are applied to a product having a consistent formulation and which most probably are associated in the public mind as having certain definite use properties. Without the recommended change we do not feel that the Federal Trade Commission will have sufficient flexibility in determining what terminology is acceptable under the act.

We, therefore, recommend that section 4 (b) (1) be changed to read as follows:

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic or nondeceptive brand name in the order of predominance by weight thereof if the weight of such fiber is 5 percent or more of the total fiber weight of the product."

Labeling of single fiber products

We feel that the addition of the words "100 percent" or "all" before the fiber name on the label of a product containing only 1 fiber is superfluous.

We, therefore, recommend that section 4 (b) (2) be changed to read:

"(2) When any textile fiber product contains more than one fiber, the percentage of each fiber present, by weight * * *."

Advertising requirements

Throughout the committee's review of the proposed legislation, serious consideration was given to the fact that stating the percentage of a given fiber is not always a good indicator of the functional value of that fiber. However, our committee has accepted the principle of percentage disclosure on labels where the cost is not excessive in relation to its possible informative value.

Advertising is one of the major costs of retail distribution. Irrespective of expense the use of some advertising media imposes space limitations which prohibit anything beyond a fundamental description of the merchandise.

The inclusion of exact percentages in advertising will result in raising the cost, which like all merchandising costs will ultimately be paid by the consumer. The only possible alternative to such increase in costs will be the elimination of other information of more importance to the customer.

In our consideration of the legislation we have prepared and reviewed many advertisements containing full percentage disclosure. It is our considered opinion that the requirements for percentage disclosure would change the character of "soft goods" advertisements into a series of cold specifications

similar to a technical or hardware advertisement. Such ads are ineffective and cannot help but increase the unit cost of advertising and distribution which must in the end be paid by the consumer. We feel that it is poor economics to add costs which will be felt in increased prices simply to provide percentage figures the meaning of which might be evaluated properly only by a textile expert and since such technical data will be fully disclosed on merchandise labels.

We recognize that one of the primary purposes of the proposed legislation is to protect the consumer from misleading advertising wherein the presence of a valuable fiber in limited amounts is stressed unduly or to the exclusion of other fibers. This is in line with the best mercantile practice. We feel that our recommendation stated below will give the customer adequate protection in this matter.

We, therefore, propose that section 4 (c) be changed to read as follows:

“(c) For the purpose of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised:

“(1) If any disclosure or implication of fiber content is made in any written advertisement, public announcement, or notice which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless a disclosure is made in such written advertisement, public announcement, or notice, of the constituent fiber or combination of fibers in the textile fiber product, and designating with equal prominence in the body of such advertising each natural or manufactured fiber in the textile fiber product by its generic or nondeceptive brand name in the order of predominance of the weight thereof; provided that if the weight of any such textile fiber is 5 percent or less of the total fiber weight of such textile fiber product such fiber may, at the election of the person subject to this act, be eliminated from such disclosure, and may be designated as ‘other fibers,’ or may be named with the respective percentage of the total fiber weight of such textile fiber product.

“(2) If any fiber is mentioned elsewhere than in the disclosure required by subsection (A) of this section in any written advertisement, public announcement, or notice which is used to promote or assist directly or indirectly in the sale or offering for sale of any textile fiber product, and such written advertisement, public announcement, or notice does not contain the percentage by weight of that fiber of the total fiber weight of the product.”

Labeling and advertising of country of origin

The intention of subsection (4) of section 4 (b) is not clear. However, it would appear that, in addition to the requirement that the country of origin of imported household textile articles and imported fabrics must be given, this subsection would also require that any fibers introduced into blends by American processors would have to be described as to origin. The latter requirement does not seem reasonable in view of the fact that blending and finishing different fibers may change original characteristics entirely. The country of origin of imported fibers will seldom be of informative value to the customer.

It is therefore submitted that this section be revised to read as follows:

“(4) The country of origin of (a) ‘household textile articles’ imported from a foreign country and (b) ‘fabrics’ imported from a foreign country in a finished state, whether or not such fabrics have been processed into a ‘household textile article’ in the United States.”

Mr. MACK. Our first witness this morning will be Mr. Karl Helfrich, vice president of Forstmann Woolen Co.

Mr. Helfrich?

STATEMENT OF KARL H. HELFRICH, VICE PRESIDENT AND SECRETARY, FORSTMANN WOOLEN CO., PASSAIC, N. J.

Mr. MACK. Mr. Helfrich, do you represent the wool manufacturers, or do you represent only your company?

Mr. HELFRICH. No, sir; our company is not a member of the National Association of Wool Manufacturers, and I speak solely for our company.

Mr. MACK. All right. You may proceed.

Mr. HELFRICH. My name is Karl H. Helfrich, and I appear here as vice president and secretary of the Forstmann Woolen Co. of Passaic, N. J. We are in favor of H. R. 469.

May I say that the Forstmann Woolen Co., over a period of many years, has consistently and actively supported fair and adequate labeling of the fiber content of textile products, to the end that consumers may accurately know what they are purchasing, may judge their purchases on their proved merits, and may be enabled to repurchase the same articles if they so desire.

Being manufacturers of wool fabrics—which term includes the various similar animal fibers of a specialty nature—we are naturally primarily interested in the Wool Products Labeling Act of 1939.

One of the bills now before this committee, H. R. 469, would leave the Wool Products Labeling Act intact. This we support. The other bill before this committee, H. R. 5605, would repeal the Wool Products Labeling Act as such, and would fail to include within itself the basic and all-important distinction between wool, reprocessed wool and reused wool. This we oppose.

I would like to briefly state our reasons.

At the risk of being repetitious, I ask leave to quote three definitions currently contained in the Wool Products Labeling Act.

The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

And I emphasize the last phrase, "which has never been reclaimed," and so on.

The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

And I emphasize "subsequently has been made," and so on.

The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

I emphasize the last phrase—

after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

The Federal Trade Commission, in its rules and regulations to effectuate the act, has added a further classification of "virgin wool."

Let us first address ourselves to reprocessed wool, which is obtained by ripping asunder and garnetting wool products which have previously been woven or felted. It is an error to state that such a process is delicate, gentle action. Commonsense would indicate that when fabrics such as you gentlemen are now wearing are ripped apart into shreds, the process is inevitably destructive to the individual fibers.

In fact, the machine which performs this initial ripping action is equipped with large, sharp, rugged spikes which resemble, in appearance, an instrument of medieval torture. Its action is one of the most violent of any machine in a textile mill, and for many years it has been familiarly known in the trade by the appropriate name of "the devil." The subsequent steps of garnetting add further to the destructive effect.

In fact, when woven or felted wool products are thus reconverted to a fibrous state, the individual fibers are broken and frayed, their length is reduced and their strength is lessened; the damage thus caused inevitably decreases the wearability of the ensuing consumer product.

In the case of reused wool, where spun, woven, knitted, or felted wool products have actually been used by the ultimate consumer, and after being worn and discarded are ground up into a fibrous state, the fiber damage is accentuated by the very effects of previous use.

Through such use, before the ripping and garnetting even start, the fibers have already lost part of their strength and resiliency; in short, they are tired. Furthermore, in many cases their original, dyed color must be stripped off, which in itself is a violent chemical action.

These are not only technical facts which are known to textile mill men; they are known through experience by the public as well. For generations, people have referred to products containing reused wool as shoddy, meaning something inferior.

The word "shoddy" has become part of the English language. Webster's New International Dictionary, in addition to defining "shoddy" textiles made from reclaimed fibers, uses the word in reference to "an inferior person or thing claiming superiority," and again, "not genuine; sham; pretentious; as shoddy aristocracy." In fact, according to the dictionary, the only thing worse in the textile field seems to be mungo.

The statement has been made that certain grades of reprocessed wool are superior to certain grades of new wool. This is true only in a limited, laboratory sense. To be sure, reprocessed wool obtained from the finest virgin wool would surpass certain very coarse, low grades of new wool.

But this is not the way it works in actual, everyday practice. The basic fact remains that reprocessed or reused wool is always inferior to the virgin wool from which it originally came, and it is habitually used in the trade to cheapen a product, not to improve it.

We do not maintain that there is not, or should not be, a legitimate market for products containing reprocessed or reused wool. The economic laws of supply and demand and spending power take care of such matters. Such products have always found purchasers in the market place and undoubtedly always will.

It is our contention, however, that such products should be fairly and adequately labeled, showing whether reprocessed or reused wool is present, and to what degree. The ultimate consumer will then be honestly informed as to what he or she is buying.

If the product containing reprocessed or reused wool gives satisfactory service and is a good buy for the money, its merits will speak for themselves; and the customer, pleased with his purchase, can again by additional articles of like character.

If, on the other hand, the product proves to be unsatisfactory in use, and a poor bargain at the price, the customer is intelligently forewarned against repeating the experience, and new wool as such is not falsely blamed through ignorance for the sins of others.

To us, this seems the very essence of truthful, proper labeling which we all advocate for the welfare and protection of the public.

Those who would oppose this differentiation between wool, reprocessed wool, and reused wool, have referred to the presumed inability

to enforce such labeling legislation because of the claim that the presence of such reclaimed fibers cannot be physically detected.

This is not a valid objection; first, because trained technicians can detect the presence of such fibers within reasonable limits.

Parenthetically, gentlemen, if it would suit the convenience of this committee, our company would be very glad to ask Mr. Werner von Bergen, who is a recognized textile technologist and who is in charge of our own research and control laboratory, to come here at your convenience and to show you with microscopic slides and microscopic photographs how these damaged reprocessed and reused fibers may be detected.

Aside from this physical testing, however, every wool textile mill of its own necessity—in addition to the requirements of law—must maintain complete records of all the fibers which it purchases and all the fibers which it may place in production, including the percentages of all blends. In any suspect case, these records can be properly inspected by the Federal Trade Commission.

Thus can the law be enforced, just as the income tax law can be enforced by an examination of records by the Internal Revenue Service.

H. R. 469, as introduced by Congressman Smith, further provides that all imported textile fiber products must show, in addition to the fiber content, the name of the country of origin. This provision we also heartily endorse, in the spirit of protecting the public, not only from misstatements but also from misapprehensions.

When certain wool fabrics are labeled or represented as imported without disclosing the country of origin, there is a natural tendency in the public mind to associate such fabrics with those geographical areas that have, over a period of many years, created a reputation for very fine quality, when in fact the imported fabrics may not come from those areas at all.

Here again, we maintain that the product as well as the country of origin should face the market on their merits and not by the withholding of information.

Therefore, for the reasons we have here briefly enumerated, the Forstmann Woolen Co. actively supports and urges the passage of H. R. 469, as introduced by Congressman Smith of Mississippi, which provides for the fair and adequate labeling of textile fiber products other than wool, and leaves intact the Wool Products Labeling Act of 1939.

With equal force, we respectfully register our opposition to H. R. 5605, which, in the process of providing labeling for other textile fibers, would repeal the Wool Products Labeling Act of 1939 and would fail to maintain within itself the vital distinction between wool, reprocessed wool and reused wool.

Thank you, gentlemen.

Mr. MACK. Do any members have any questions? Mr. Jarman?

Mr. JARMAN. I have one question, Mr. Chairman.

Mr. Helfrich, if H. R. 5605 were changed to preserve the distinction between wool, reprocessed wool, and reused wool, as now spelled out by the Wool Products Labeling Act, would you then have any preference between H. R. 5605 and H. R. 469?

Mr. HELFRICH. Yes, sir. Our preference would still lie with H. R. 469.

Mr. JARMAN. You emphasized the distinction there. A good part of your statement is devoted to the importance of the distinction between reprocessed wool and reused wool.

I wonder if you would care to comment on the other reasons.

Mr. HELFRICH. Would you care to have me elaborate a little further on that?

Mr. JARMAN. If you would.

Mr. HELFRICH. We would prefer H. R. 469 to H. R. 5605 even if the latter did maintain the difference between wool, reprocessed wool, and reused wool, for several reasons:

No. 1 is a reason which I have already mentioned in my statement; namely, that H. R. 469 in dealing with imported fabrics would require disclosure of the country of origin. H. R. 5605 does not have that provision.

The second reason is, we believe that the system, the method, of disclosing percentages of fibers present as laid out in H. R. 469 is more practical and preferable to the system of percentage disclosure contained in H. R. 5605.

For those reasons, we would prefer H. R. 469.

Mr. JARMAN. Thank you.

Mr. MACK. Mr. Avery?

Mr. AVERY. Just one question.

I am sorry I missed the early part of your statement, Mr. Helfrich, and you probably covered this; and very frankly, I am not intimately familiar with the Wool Products Labeling Act.

Are there provisions in that act providing that the identification must be made between wool, reprocessed wool, and reused wool, or were you suggesting further amendments to that act as well?

Mr. HELFRICH. No, sir. The Wool Products Labeling Act of 1939, which I hold here in my hand, contains in its definitions and in its provisions the basic difference between wool, reprocessed wool and reused wool. They are now a part of the act. And our contention is that they should not be nullified.

Mr. AVERY. They are sufficiently spelled out, then, for all practical purposes, in the original act?

Mr. HELFRICH. Yes, sir.

Mr. AVERY. All right.

Mr. HELFRICH. The Federal Trade Commission, as I also mentioned in my statement, sir, has also added a further top classification referring to virgin or new wool, which is even more tightly defined. But the three basic definitions contained in the law itself, we believe are practical, and that they properly protect the public, which is the primary purpose.

Mr. AVERY. That is all, Mr. Chairman.

Mr. MACK. Thank you.

Mr. Helfrich, you stated that you represent no association or group of individuals, but you are speaking here as vice president of one manufacturer; is that it?

Mr. HELFRICH. That is correct, sir.

Mr. MACK. I was just wondering if I might inquire as to where you got certain of the information included in your statement? You stated that reused wool is always inferior. Is that published in some trade journal?

Mr. HELFRICH. Well, it is a fact, sir, I would put it this way: That is a fact which is well known by all people whose business it is to handle wool, either in the growing of wool, in the buying and selling of the raw fibers, or in the manufacturing of those fibers into fabrics.

It is, I would say, an admitted and accepted technical fact.

Mr. MACK. I do not believe you answered my question. As I understand it, that is your own personal view, and it is not substantiated by any information which has been published in any trade journals or any research area where you could find the information?

Mr. HELFRICH. Yes, I would say it has been published, sir.

Mr. MACK. You simply throw it out. A statement like that should be backed up at least by certain facts which substantiate it.

Mr. HELFRICH. It has been published, sir, in sundry textbooks, wool handbooks, that I have observed. I do not have with me a list of their titles. I would be very happy, if you desired, sir, to send you a list of publications wherein these statements are discussed.

Mr. MACK. My question was as to where you secured this information; and if you have that available, I would certainly like to have it. But until such information is received, I think it is just a personal opinion of the vice president of one manufacturing concern, and I think the record should show that.

Mr. HELFRICH. May I speak to that point further?

Mr. MACK. Certainly. I would be glad to have your testimony this morning.

Mr. HELFRICH. May I further add that in a sense, yes, it is my personal opinion, but it comes from the knowledge and experience and contact with textile technicians, designers, spinners, weavers, and finishers, whose lifetime has been devoted to this, and I myself have been in the manufacturing textile business since January 1925. And in addition to my own contact, it has been my contact with others whose lifework this has been, and that is where the substance of my remarks would come from.

Mr. MACK. Thank you very much. That does answer my question. And I did think if it was just a personal opinion, it should be so stated.

I wanted to ask you also, if it is not true that your plant manufactures exclusively virgin wool? I will put it the other way around. I understand that your plant does not work with or manufacture any wool which is reused or reprocessed; is that not true?

Mr. HELFRICH. That is correct, sir, because the type of fabrics which we make, and in which we specialize, could not properly be made or could not be made with our high standards of quality by the use of reprocessed or reused wool.

Mr. MACK. Thank you very much.

Do you have any further statement?

Mr. HELFRICH. I have nothing further to add, sir, unless there are further questions.

Mr. MACK. Thank you very much. We enjoyed your testimony.

Mr. HELFRICH. Thank you, sir.

(The following letter was later received from Mr. Helfrich:)

FORSTMANN WOOLEN Co.,
Passaic, N. J., April 17, 1957.

Mr. SAM SPAL,
*Counsel, Subcommittee on Commerce and Finance of the House Committee,
on Interstate and Foreign Commerce,
House Office Building, Washington, D. C.*

DEAR MR. SPAL: You will recall that on last Friday, April 12, I testified at the hearings conducted by the above committee in favor of H. R. 469 and in opposition to H. R. 5605. While testifying, Chairman Mack questioned me as to whether any recognized textile journals or text books referred to the inferior quality of reprocessed or reused wool, as compared with the new wool from which it was derived. I explained that I did not have the information with me but would be happy to supply it for the committee.

Therefore, at the request of Chairman Mack, I am enclosing a bibliography showing a list of 12 recognized textile publications in this country and abroad, all of which refer to the nature of reprocessed or reused wool in comparison with the new wool from which it was obtained. I respectfully ask that this information be inserted in the records of the hearings as part of my testimony.

Thanking you for your kind cooperation in this matter, I am,

Very sincerely yours,

KARL H. HELFRICH, *Vice President.*

BIBLIOGRAPHY OF TEXTILE PUBLICATIONS CONTAINING REFERENCES TO THE COMPARABLE MERITS OF WOOL, REPROCESSED WOOL AND REUSED WOOL

1. Report on the Woolen Rag Trade. Federal Trade Commission, June 30, 1919 (Washington, Government Printing Office).
2. Textile Fibers, Matthews. 4th edition, p. 204. John Wiley & Sons.
3. Textile Fibers, Matthews. 6th edition, p. 667. John Wiley & Sons.
4. Textile Fibers and Their Use. Catherine Paddock Hess. 3d edition, 1941, p. 209. Lippincott.
5. American Wool Handbook. Von Bergen, Mauersberger. 2d edition, 1947, p. 269. Textile Book Publishers.
6. The Microscopy of Animal Textile Fibers. A. B. Wildman, 1954, Wool Industries Research Association, Leeds, England, p. 65.
7. The Identification of Textile Fibres. Bruno Luniak, 1953, Sir Isaac Pitman & Sons, Ltd., London, p. 163.
8. Textile Fiber Atlas. Von Bergen-Krauss, Textile Book Publishers, pp. VI, 9-11, 1942.
9. The Wearing Qualities of Wool Serge. A comparison between the physical characteristics of new and worn material. Agricultural Experiment Station, South Dakota State College, May 1947.
10. Wearing Quality of Reused Wool. Agricultural Experiment Station, South Dakota State College, November 1951.
11. Technologie der Wolle. R. O. Herzog, Julius Springer, Berlin. 1938, p. 175.
12. Fehler in Textilien. Herzog-Koehl, Melliand Textilb. Heidelberg. 1938, p. 79.

Mr. MACK. Mr. R. W. Trapnell is the next witness.

STATEMENT OF RICHARD W. TRAPNELL, ASSISTANT DIRECTOR OF
MERCHANDISING, TEXTILE FIBERS DEPARTMENT, E. I. du PONT
de NEMOURS & CO., WILMINGTON, DEL., ACCOMPANIED BY S. W.
BRAINARD, MANAGER, LABORATORY SERVICES ORGANIZATION,
E. I. du PONT de NEMOURS & CO.

Mr. TRAPNELL. Mr. Chairman and members of the subcommittee, my name is Richard W. Trapnell. I am assistant director of merchandizing of the textile fibers department of E. I. du Pont de Nemours & Co., and I appear here today in behalf of that company.

I have with me Dr. S. W. Brainard, who is manager of their laboratory services organization.

Du Pont produces acetate and rayon filament yarns, nylon, "orlon" acrylic fiber and "dacron" polyester fiber. We are very much interested in the bills now before this subcommittee, and would welcome legislation requiring fair and adequate disclosure of fiber content in textile products.

We believe that fair and adequate disclosure requires a statement of percentage by weight of each fiber present in textile products.

The Smith bill, H. R. 469, provides for such disclosure. The bills introduced by the chairman and Mr. O'Brien, H. R. 5605 and H. R. 6524, respectively, require it only in the case of fibers present in amounts of 20 percent or less.

Under the latter bills, fibers present in amounts between 21 percent and 79 percent would be identified only by generic name in order of predominance. We do not think this affords the consumer adequate protection.

We, therefore, favor and endorse H. R. 469. We believe, however, that the protection of the consumer afforded by this bill can be improved by certain amendments which we shall suggest later in this statement.

Every textile fiber—whether natural or man-made—has certain distinctive properties and characteristics. Each also has certain deficiencies. By blending one fiber with another the advantages of each can often be melded and the deficiencies of each overcome or diminished.

The blending of fibers to achieve optimum performance for a particular end use is an ancient art, and the advent of synthetic fibers has provided the textile blender with many new components and made, many new and improved fabric concepts possible.

One of the important features of synthetics is that denier, that is, the size of the fiber, fiber cross-section, length of fiber, luster, and so forth, can be controlled and fibers can be engineered or tailored to achieve a particular result.

Blending has not always been used for this high purpose, however. In the highly competitive textile industry, cheaper fibers have often been blended with more expensive ones, at the sacrifice of quality, for the sole purpose of cutting costs.

Our more recently developed fibers—nylon, orlon acrylic fiber and dacron polyester fiber—are substantially higher in price than the cellulose—rayon and acetate—most grades of cotton, and many grades of wool; and they are, therefore, quite susceptible to such cost-cutting blending.

Also, well-known and highly regarded fibers have been used in amounts imparting none of their properties, so that the blend can be unfairly promoted by reference to the highly regarded name—a name that implies to the consumer properties which the fabric does not have.

It is, therefore, extremely important for the consumer to know not only what fibers are in a blend, but how much of each. It is also important for service organizations—dry cleaners, laundries, and dyers—to know both the identity of the constituent fibers in a garment and the amounts of each.

A fabric containing, for example, 30 percent orlon and 70 percent wool would be handled as a wool fabric. If the percentages were reversed, the cleaning technique might be different.

Similarly, a shirt of 65 percent dacron and 35 percent cotton can be laundered more satisfactorily by procedures designed for polyester fiber than by those for cotton or predominantly cotton fabrics.

An example of the importance of making the public aware of the percentages of the fibers present in a textile product can be found in the use of nylon in carpet blends. About 20 percent of this tough, durable fiber imparts notable benefits in certain constructions when blended with wool or rayon. This amount can increase the wear life of a wool carpet blend by 50 percent.

The benefit continues to increase as the percentage of nylon goes up, particularly in twist constructions, and becomes dramatic at 70 percent or higher.

Under the Smith bill, the consumer would be told the precise percentage of nylon present in each case. Under the Mack and O'Brien bills, all blended carpets containing from 21 percent to 50 percent nylon would be labeled the same insofar as this fiber is concerned, and the only clue to percentages above 50 percent to 70 percent would be that nylon would lead the list of generics.

We seriously doubt that the order of listing of generics would be particularly meaningful to the consumer.

The need for percentage labeling is dramatically portrayed when we consider the newer synthetics such as the acrylic fiber which we market under the trademark "Orlon" and which the Chemstrand Corp. sells under the trademark "Acrilan," and our polyester fiber, which we have trademarked "Dacron."

These fibers impart truly remarkable properties when used in sufficient quantities in blends. These properties have been extensively promoted by the fiber producers, the fabric mills, garment manufacturers, and others in the trade.

The public has come to expect them in consumer products promoted under these names, and it is misled if the fabric involved does not contain sufficient amounts of the fiber.

As examples, orlon, when used in proper amounts with wool, cotton or rayon, can impart improved washability, quick-drying properties, press retention, relative freedom from or easy ironing, and dimensional stability to fabrics. The percentages required for optimum benefit vary with the type of construction, the other fiber used, and the intended end product.

For example, our recommended blend level for knit jersey blends of orlon and wool is 80 percent orlon and 20 percent wool. The recommended proportions are the same for cotton blends—that is, 80 percent orlon, 20 percent cotton.

In blends of woven-woolen-type fabrics, this fiber adds press retention and dimensional stability, and we recommend at least 55 percent orlon. For wash-and-wear rayon blends, the percentage should be at least 75 percent orlon to 25 percent rayon. As the percentages of orlon are reduced in these blends, the properties which orlon can impart diminish rapidly.

A similar situation exists with respect to dacron polyester fiber. In many blend constructions, this fiber does an even better job than orlon in giving washability, quick-drying properties, ease of care, press retention, resistance to wrinkling, and dimensional stability.

To do this, however, it must be used in sufficient quantities. The blend levels we recommend for optimum performance are 65 percent

dacron with cotton, 55 percent dacron with rayon, 50 percent dacron with wool where washability is not a consideration, and 70 to 80 percent with wool for a wash-and-wear fabric.

Du Pont is keenly aware of the need for accurately informing the trade and the public of these necessary blend levels. We have used all of the recognized channels of mass communication—advertising, press and radio, and so forth—to tell our story. We have preached it up and down the trade. But we know we have not been entirely successful.

These blend levels have been lowered by some, and the consumer is receiving goods promoted as, say, nylon and rayon, dacron and cotton, or orlon and wool, which do not have sufficient quantities of these fibers to impart the properties the public has come to expect of them.

We, and the other members of the industry, have a percentage story to get over to the public; and the Smith bill, with required percentage labeling, gives us the frame of reference we need against which to tell it.

The Mack and O'Brien bills do not accomplish this. Under them, for example, a shirt containing 65 percent dacron and 35 percent cotton, and one containing 50 percent dacron and 50 percent cotton, would bear the same label, dacron polyester fiber and cotton.

The 65 percent dacron, 35 percent cotton shirt would have the performance and ease of care properties we advertise and promote. The 50/50 shirt would not. Yet, so far as the required label is concerned, the consumer would have no way of distinguishing between the two.

The difference in performance would be even greater if the dacron content were 21 percent and cotton 79 percent. The label would read simply "Cotton and dacron polyester fiber" or "Cotton and polyester fiber" and we doubt that the order of generics would adequately inform the customer.

Let's take the case of 2 pairs of boys' slacks, 1 containing 75 percent orlon and 25 percent rayon, the other 50 percent orlon and 50 percent rayon. Both would be labeled "Orlon acrylic fiber and rayon." One would be a wash-and-wear garment, the other would not. Yet, the customer, even with our advertising in mind, would not be able to distinguish between the two.

We believe enactment of the Smith bill, as drawn, would afford the consumer and the industry a real and needed protection. In our opinion, however, this protection would be more complete and more fully in the public interest if the bill were amended to require disclosure of the use of "reprocessed" or "reused" fiber in textile fiber products.

Fibers of this type are derived from finished or semifinished textile products or clippings thereof which have been returned by processing to a fibrous state. Such fibers differ from fibers that have not been so processed, and are rarely, if ever, uniform in their physical characteristics.

Reprocessed fibers are derived from clippings, fabric, and other products that have never been used by the consumer. Reused fibers, as the name implies, are secured from goods that have been used by the consumer.

Reprocessed or reused synthetic fibers have been appearing in the market in considerable volume. The bulk of them are reprocessed,

but there have been some reused—principally, and this is in years past, ravelings from used nylon stockings—and, as time goes on, the reused fibers will probably increase in volume.

The situation here is quite similar to that which exists with respect to wool fibers, and we believe the public interest calls for similar treatment.

This committee has heard testimony implying that there is no difference between reprocessed nylon and reprocessed dacron and the virgin fiber. The testimony also implied that it was impossible, in each case, to distinguish between reprocessed and virgin.

It should be observed that no mention was made of the acrylic fiber orlon and acrilan, which are appearing in reprocessed form in perhaps greater volume than the other two.

Now, what are the facts? Reprocessed and reused fibers have been subjected to a shredding process, called garnetting, which returns the fabric raw material to a fibrous state.

We will summarize only the principal disadvantages resulting from this: The resultant fibers are of shorter average length than those contained in virgin material, and these shorter fibers produce a generally less satisfactory product for most end uses. Yarns spun from these short-length fibers are weaker than yarns of equal twist spun from the longer virgin fibers.

There is apt to be more surface distortion and shedding in certain fabrics made from these short-length fibers. The dimensional stability of fibers may be affected by the stretching involved in the garnetting process.

If the fiber has been reclaimed from dyed fabric, it may be weakened by the bleach or other agent required to strip the color, and color traces may remain in the fiber.

A number of "red herrings" can be raised by those who wish to minimize the differences between reprocessed and reused fibers and the virgin product. It can be pointed out that virgin fibers are sometimes cut to short lengths or stretched by turbobreaking, or that the variable-length virgin fibers are sometimes blended together. These steps are taken with virgin fibers as part of a carefully engineered process to achieve particular desired effects in fabrics designed for a particular end use.

These situations in which certain characteristics inherent in all reprocessed or reused fibers are imparted to virgin fibers for a special reason, furnish no justification, of course, for saying that reprocessed or reused fibers are just as good for these or all end uses. These characteristics are disadvantages in most end uses and they are general to garnetted fibers.

We also disagree with the implication that there is no way of distinguishing reprocessed or reused from virgin fibers. While difficult cases may occasionally be presented, as in the case of wool, we believe laboratory analysis will detect the presence of reprocessed or reused fibers in a fabric in the vast majority of situations.

Moreover, the Federal Trade Commission, with its investigating and subpoena powers, has means of securing evidence of such adulteration, quite apart from laboratory analysis, from the challenged firm's records and other sources.

We submit that this needed protection should not be foregone because there may be rare cases which will escape detection.

We do not mean to imply that reprocessed and reused fibers have no place in the market. They are satisfactory in some end uses, such as heavy woolen type fabrics, and may come close to giving the performance of virgin fiber.

In other end uses they are generally inferior to virgin fiber.

We believe the consumer is entitled to know when the product offered him is made from reprocessed or reused materials so he can judge for himself whether he wants to buy a garment made of such material in preference to one made from virgin fiber, which is generally of higher quality; and so he can also judge for himself, from experience, the end uses in which reprocessed or reused fiber gives reasonably satisfactory performance and those in which they do not.

We, therefore, recommend that H. R. 469 be amended to provide this protection; and submit herewith, as attachment A, a proposed form of amendment.

Mr. Chairman, would you prefer that we read this proposed amendment, or rely on the written attachment?

Mr. MACK. I think it would be well to read the proposed amendment.

Mr. TRAPNELL. All right, sir.

PROPOSED AMENDMENT

Page 2, line 13:

Insert the following new subsections (e) and (f) in section 2, revise the lettering of the present subsections (e) through (m) to (g) through (o):

"(e) The term 'reprocessed manufactured fiber' means the resulting fiber when a manufactured fiber has been spun, woven, knitted, braided, felted, webbed, or otherwise fabricated into a yarn, fabric, or textile fiber product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

"(f) The term 'reused manufactured fiber' means the resulting fiber when a manufactured fiber or reprocessed manufactured fiber has been spun, woven, knitted, braided, felted, webbed, or otherwise fabricated into a yarn, fabric or textile fiber product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

Page 7, lines 8 through 16 (new language italicized):

Amend the existing section 4 (b) (1) as follows:

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural, manufactured, *reprocessed manufactured* or *reused manufactured* fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product. *The generic name of each reprocessed and reused manufactured fiber shall be followed immediately by '(reprocessed)' or '(reused)' with equal prominence, as the case may be.* Nothing in this section shall be constructed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name."

I should like to point out to the committee that this proposed amendment differs in some respects from the similar provision in the Wool Act. The words "braided," "webbed or otherwise fabricated into a yarn, fabric, or textile fiber product," have been added to conform the amendment to the general structure of the Smith bill.

The definition of "reprocessed" includes fibers reprocessed from spun yarn and knitted fabric. One of the largest sources of reprocessed synthetic material is knitted sweater and jersey fabric clips. The problems presented are the same, and we believe the protection to which the public is entitled requires this broader coverage.

We also have a few minor language changes to propose which we think would improve H. R. 469. These are annexed as attachment B. And again, Mr. Chairman, I would be pleased to read these, if you would like.

Mr. MACK. Yes, I think the committee would be interested in hearing the suggested amendment.

Mr. TRAPNELL. This is: "Proposed language changes."

Section 2 (b). We suggest that the clause "which has a length at least 100 times its width or diameter," be deleted. We realize that this is taken from an American Society for Testing Materials definition of fiber and that it would encompass all fibers used in the textile field today. We know, however, that work is now being done on fibers of much shorter length in the paper industry and it is not unlikely that, in the future, these shorter fibers may have a place in nonwoven or other textile fabrics. If so, it may be necessary to amend this legislation. We suggest that we anticipate the future to this extent and remove this narrowing language from the definition.

Section 2 (g). We believe this section would be clearer if it read as follows:

"(g) The term 'household textile articles' means articles of wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings, beddings and other textile goods of a type customarily used in a household regardless of where used in fact."

Section 2 (m). Would this section not be improved by adding "prior to use" at the end of the sentence? A product may be bought with the intent to sell it as a used garment after use.

Section 4 (c). This section covers only "written advertisement." It would exclude oral representations as by radio or TV, and so forth. We suggest that the word "written" before "advertisement" be deleted and that the words "or other representation" be inserted after the word "advertisement" in both instances.

Mr. Chairman, I was here yesterday and heard considerable testimony as was given before this committee, and I have got a further statement I would like to make which bears on some of the points which were raised yesterday that are not covered in this written statement.

Mr. MACK. The committee would be glad to hear your supplemental statement.

Mr. TRAPNELL. Thank you, sir.

This committee has heard a good bit of testimony on performance labeling. You have been told also that there are many other considerations in determining performance than fiber content, such as construction, fabric weight, finishing, dyeing methods, and so forth.

We agree that these other considerations are important, but fiber content is an even more important element in the total performance formula in most end uses, and gives the consumer a reliable index of comparison.

We would subscribe to performance labeling in addition to fiber content labeling, but we seriously doubt that tests and standards can be achieved in this diverse and complex industry. For the most part, reliable tests do not exist. Standards are dependent upon tests; and even assuming tests and standards, we doubt that labeling could convey the necessary information to the consumer.

Fiber content, on the other hand, is practical and will, with the total educational effort of the industry, give the consumer extremely helpful information.

Mr. Chairman, I also have some exhibits I would like to suggest the committee might examine. If I have your permission, I would like to pass these around.

Mr. MACK. We would be glad to examine your exhibits.

Mr. TRAPNELL. First of all, we have several which show the need for accurate and informative description of fiber content in a textile product. I have here some fabric samples which are composed of acetate and rayon blend, and I quote from the tag, "Chock full of Dacron."

Our laboratory analyses of these fabrics show there is 10 percent dacron in it. I think that is misleading.

I have here a mailer from an organization which solicits business from the consumer based on photographs and small fabric samples. This mailer carries a very dramatic headline, "Dacron Does It." It says:

It will do all the things that we believe Dacron in proper quantities will achieve.

On the back of this mailer it says:

Look like \$20 slacks. Cost \$5.97½ per pair.

Gentlemen, these fabrics, these slacks, are represented as giving the consumer something they will not give the consumer. The fabric attached has less than 10 percent dacron in it.

Here is an actual pair of trousers with much the same story on performance, being described in hang tags which are attached. I will read just a portion.

This luxurious fabric has been blended scientifically with dacron to make it easier to clean, longer wearing. Because of its greater strength it will wear better and last longer. Wrinkle-resistant; shrinkage controlled—

and so forth.

This pair of trousers contains 5 percent dacron.

We do not believe that percentages of this magnitude do much, if anything, for these fabrics.

I would like to now——

Mr. MACK. What was your statement concerning these trousers?

Mr. TRAPNELL. They contain approximately 5 percent dacron. The tag represents them as performing in a way that trousers containing 50 percent or more dacron might perform. In other words, we believe the representation made on that tag is not correct, in view of the small percentage of dacron contained in the fabric.

I would like to also pass around this exhibit, which we think demonstrates the very real need for making advertising at the local level come under legislation as described in these bills.

This is a skirt, a portion of the fabric of which was removed for laboratory analysis, but a major New York department store has represented these as follows:

Leisure-life partners in dacron and cotton. This carefree, water-repellant fabric blend looks and feels so luxurious——

and so forth.

The fabric represented as dacron and cotton contains 93 percent cotton, 7 percent dacron.

I have here a skirt which is advertised, again, by a leading retailer, as being permanently pleated: in other words, pleats which will withstand washing. You will note on the left side of the skirt as you look at it, that the pleats are fairly well retained after one hand washing. The pleats on the right side of the garment as you look at it, are essentially gone, the reason being this fabric contains 50 percent rayon, 30 percent dacron, and 20 percent cotton, the dacron being the com-

ponent which would impart the property of permanent pleating, pleatability.

In this case, the dacron is only used in the filling of the fabric; and where the fabric is pressed across the filling, the pleat will remain. The skirt is cut in a round form, as you can see. The pleats on this side run parallel to the filling or the dacron component, and across the round. Hence, the pleats are not retained.

We submit that this is misleading advertising, and that percentage labeling would protect the consumer.

Here is a dress which is represented as "No-iron dacron and cotton. Drip dry, no ironing," and so forth. It does say in small print it contains 65 percent cotton and 35 percent dacron.

This dress has never been worn but has been washed once by hand. We submit that the consumer could not wear that dress without ironing as it is represented to her in that advertisement.

Mr. AVERY. Just a minute here. You say the fiber content was not misrepresented? It was merely misrepresented in the respect that it would not have to be ironed?

Mr. TRAPNELL. That it would perform in a way different than "dacron and cotton" would lead the consumer to believe.

Mr. AVERY. But the percentage was not misrepresented, this 65 and 35?

Mr. TRAPNELL. Well, the fact that it is called "No-iron dacron and cotton" is misrepresentation. That is the headline under that card, Mr. Avery, if you will lift that.

Mr. AVERY. Yes. But I do not believe—I was trying to think where the bill would apply to this.

Mr. TRAPNELL. The advertising portion of the bill would require accurate, informative language.

Mr. AVERY. But you have your percent on the label here, or on the ad; and I am trying to think, in the bill, where it would go any further than that.

Mr. TRAPNELL. Well, that says "No-iron dacron and cotton." I believe the bill would not permit that garment to be advertised with those words. It would have to be advertised as 65 percent cotton and 35 percent dacron. The headline is misleading.

Mr. AVERY. I see.

Mr. TRAPNELL. Here is a similar garment, again advertised as a "wash and wear garment. Drip-dry dacron and cotton shirtwaist, shirt dress wonder. Daily favorite."

This fabric contains 50 percent rayon, 30 percent dacron, 20 percent cotton. We submit also that this dress does not perform as represented to the consumer in the advertising, thinking that it would require no ironing.

This dress contains 65 percent dacron, 35 percent cotton, which is a recommended blend level for ease of care, wash, or wear in shirts, dresses, and so forth. The dress has been worn 20 times, washed 6 times. It has never been ironed. This is the kind of performance that we believe the consumer can be led to expect from proper labeling of fabrics containing these fibers.

Our last exhibit is a sweater made of 100 percent garneted Orlon. This sweater is new. The fabrics attached are taken from a similar sweater, and have been washed and subjected to what we call abrasion testing.

I would like you to look at this garment made from garneted fiber—this is a new garment, remember, except for these swatches—and compare it to a control garment made of virgin fiber.

This concludes my formal statement. We very much appreciate the opportunity of making our views known to the committee. If there are any questions, we will be glad to try to answer them.

Mr. MACK. Thank you very much. We certainly enjoyed your statement this morning, Mr. Trapnell, and we appreciate the opportunity to look at the samples you brought along.

Mr. Jarman?

Mr. JARMAN. I have no questions.

Mr. MACK. Mr. Avery?

Mr. AVERY. I have just one question, Mr. Chairman.

Again referring back to the testimony which was given yesterday, several witnesses established a very definite issue on the fact that fabric content would not necessarily be indicative of durability. You recall that statement when it was made.

Mr. TRAPNELL. Yes, sir.

Mr. AVERY. I believe the example was given of two comparable pieces of furniture with exactly the same percentage of content of the fabric, whereas one might be a very durable product and the other would be very undesirable.

Mr. TRAPNELL. Yes, sir.

Mr. AVERY. Would it naturally follow that had those two fabrics had the same processing in the textile mill, would it naturally follow then that they would have had the same amount of durability or the same usefulness to the consumer?

Mr. TRAPNELL. Mr. Avery, I think yesterday we were told that fabrics containing the same percentage of fiber could give all kinds of differences in terms of wear.

One question which did not come out is that, were the fabrics of the same construction, the same weight, given the same finishing and dyeing technique or treatment, one fabric could show very poor wear, and one very good.

Let me say it another way: Two fabrics, different fibers, be it mohair and cotton or nylon and acetate, if they were the same construction, same weight, same finishing and dyeing techniques, the fiber content would have a very definite bearing on the wear life of those fabrics.

Mr. AVERY. In other words, it would be quite an advantage to the end consumer if he knew the fiber content as well as the performance standards?

Mr. TRAPNELL. We believe that; yes, sir.

Mr. AVERY. That is all, Mr. Chairman.

Mr. MACK. Well, that covered my questions pretty well, also.

There was quite an issue made over this matter of performance standards yesterday. I think you brought out in your statement that it would be extremely difficult to set up a performance standard.

Now, I presume that du Pont has a testing facility—

Mr. TRAPNELL. Quite a few of them.

Mr. MACK. I was not trying to be facetious—where they test all kinds of combinations of fabrics as well. You have not touched at all on some of the comments which were made yesterday concerning fuzzing and tearing, and some other complaints made about new fabrics which were composed of the same percentages.

Would you have the information as to what your experience has been?

Mr. TRAPNELL. Yes, sir. I can make a couple of comments in that regard.

We feel this: Good and bad textile products can be made out of any fiber. We think that construction, weight, dyeing, finishing, and so forth, are important, no question about it. You cannot take a poorly constructed dacron fabric and have it perform as well as a good cotton fabric in some cases.

We do think, however, that the fabrication of a garment or the application of upholstery to a frame, regardless of the fabric characteristics, puts the burden of quality workmanship on the manufacturer in any case, and we can test our fibers for many years and develop higher and higher strengths and better dyeabilities, and so forth.

But if they are used improperly or used in improper percentages, the consumer is not getting the benefits from those fibers that she should expect.

Mr. MACK. There is no particular problem, though, as far as the furniture industry is concerned.

Mr. TRAPNELL. No; except to say this: that on occasion, when we develop a fiber which we think is suitable for one or several end uses, it frequently finds its way into a market for which it is not suitable. We have no control over the sale of our fiber, of course, or how it is used; and we think in those cases the mills and the manufacturers should determine for themselves that that fabric and that fiber is suitable for their use.

Needless to say, if nylon upholstery fails, they very seldom blame the mill which wove the fabric. The blame comes back to the producer of the nylon. And we are very anxious to encourage quality testing throughout the industry for that simple reason. It is selfish. We stand to lose considerable in the eyes of the consumer if that product does not perform.

Mr. MACK. In the case of people purchasing suits and dresses, I think most of us are in agreement that the ultimate consumer likes to know the fiber content of the garment. Do you see any reason why the housewife or the ultimate consumer would not be interested in knowing what the content of fabrics used in furniture would be?

Mr. TRAPNELL. I believe they would be interested. And speaking personally, I know in our household we are interested.

Mr. MACK. In your statement you mentioned that it is important for service organizations to know the content, dry cleaners, laundries, and dyers. It occurred to me that that would also be true in the case of furniture coverings, and drapes—it would seem to apply to all industry.

Mr. TRAPNELL. It certainly does, in my mind.

Mr. MACK. You mentioned—in talking about reused material—that previous witnesses made no reference to two different types of the fibers used, orlon and acrilan.

Mr. TRAPNELL. Acrilan. The reason we made that point is that the acrylic fiber suffers more in garneting than do the nylons or dacrons.

Mr. MACK. They do encounter some difficulty between the nylon new and reprocessed, or—

Mr. TRAPNELL. I would say this: That it would be appreciably easier to determine in the case of acrylics. We can determine in the other, too.

Mr. MACK. Are the nylon fibers all the same length? You talk about reused and reprocessed being of shorter fibers. Do you produce a standard fiber or is it a varying length fiber, like in the industry of wool or cotton?

Mr. TRAPNELL. We produce a series of uniform lengths. Nylon staple fiber might be sold in cut lengths from one and a half to perhaps four and a half inches, but in each bale all fibers are of that length. They are uniform within their cut category.

Mr. MACK. Then reused fibers would be probably somewhat shorter than the standard lengths that you have?

Mr. TRAPNELL. And variable in length.

Mr. MACK. And that variation shows up?

Mr. TRAPNELL. Plus the high percentage of short fiber.

Mr. MACK. You say it would be easier to identify your products when they are reprocessed than it would be to identify reprocessed wool?

Mr. TRAPNELL. You are asking, Would it be easier for us to identify reprocessed material in a fabric than it would be in the case of wool?

Mr. MACK. That is right.

Mr. TRAPNELL. I think there would be some variation between the various manmade fibers; but generally speaking, because of the uniform initial length of most of the synthetic fibers, it would be as easy or perhaps easier.

You see, even virgin wool has some variation in length.

Mr. MACK. Yes; I understand that.

I presume your industry does not enter the field of reprocessed or reused fibers.

Mr. TRAPNELL. No, sir.

Mr. MACK. There is no process you have of reusing the fibers which you develop in the plant, which might be interpreted to be reusing?

Mr. TRAPNELL. No. We——

Mr. MACK. Reprocess, I mean.

Mr. TRAPNELL. We do not buy any waste from the trade for manufacture again into virgin fiber, so to speak.

Mr. MACK. Yes. And you have no waste in your operation?

Mr. TRAPNELL. We do have waste in our own operations which are sold under the classification of fiber stock or producer waste.

Mr. MACK. You sell that? There is no reprocessing in your plants?

Mr. TRAPNELL. We sell that, and there is no reprocessing.

Mr. MACK. How many classes of generic fibers are there in the manmade fibers?

Mr. TRAPNELL. Quite a few. There are acetate and rayon, which are the cellulosic base fibers.

The next largest family is the polyamide group, which is called generically "nylon."

The next largest group would be the acrylic, of which orlon is an example, and acrilan.

The third largest of the synthetics would be dacron, or polyester being the generic in that case.

And there are now a rather large number of additional fibers which are of the acrylic family or near acrylic family, coming through the development stages and onto the market.

Mr. AVERY. Would you not pretty near have to be a chemist when you go shopping, to really know what you are getting, anyhow?

Mr. TRAPNELL. Well; we think one of the reasons for the importance of this percentage label is to give the consumer an opportunity to know what he is getting. With more and more names, more generics and trademarks, we think their best hope of buying a satisfactory garment, or at least knowing when they have gotten a bad one they do not want another one, is through using percentages.

Mr. MACK. Well, the FTC would have quite a job in determining that, would they not, or setting up classes for the manmade fibers?

Mr. TRAPNELL. I don't believe they will have a big problem. They are well informed on this subject, which I am sure was the feeling you got from their testimony yesterday; and they, are along with the industry, working on acceptable generics for all manmade fibers.

Mr. MACK. They are working on it at the present time?

Mr. TRAPNELL. Right. On acrylics at the present time, but others as they come along, I am sure.

Mr. MACK. What percentage of the manmade fibers does du Pont manufacture, or do you have that information available?

Mr. TRAPNELL. I do not have it available. I am a little hesitant to generalize on the subject.

Mr. MACK. I might say I was interested in your suggested amendment, because that is one of the things I was trying to do in the bill I introduced, that is, to standardize the approach in handling various fibers and having them controlled by the FTC.

Mr. Avery?

Mr. AVERY. When you sell your fibers, what form are they in? Are they in a round bolt, or what do they look like?

Mr. TRAPNELL. Fiber producers sell it in three basic forms, sell their fibers in three basic forms: One would be similar to a big spool of thread on which a continuous length of yarn—in the case of nylon, similar to that yarn that is knit into hosiery—is wound. They are called bobbins, or spools, or pirns, and so forth, and they are continuous lengths of yarn wound on a spool.

The second major class is what we call staple, which is, very simply, those continuous lengths cut into shorter lengths and shipped in a bale, as you would ship cotton or wool.

The third form is called tow, which is merely a rope made of the long, continuous lengths, and that is shipped in boxes or cartons.

Mr. AVERY. You do not happen to have a label with you which you would put on those various types of commodity?

Mr. TRAPNELL. No, sir; I do not. We do have a label on the case which gives the size of the continuous filament yarn, that is, say, 40 denier, which means it is of certain diameter. It would also show the number of filaments that went into making that yarn.

The yarns for the most part are bundles of fibers rather than monofilaments, single filaments, although there are some of the latter.

The bale or the staple would be shipped with a label which said the denier or diameter of the fiber and the length; in other words, 3 denier, 3-inch.

Tow is shipped in a carton with a label which would say what the base denier was, perhaps 3 denier, and then tell you the total size of the rope, the number of filaments in that rope.

I do not have labels of that sort with me.

Mr. AVERY. Then, taking it one step further, it would be the textile manufacturer who would coordinate these different components that we have been discussing here?

Mr. TRAPNELL. Right.

Mr. AVERY. And end up with some kind of a fabric?

Mr. TRAPNELL. Right; yes, sir.

Mr. AVERY. That he might have a trade name for, but basically it would be a combination of these various materials?

Mr. TRAPNELL. Yes, sir. He would blend a bale of dacron and a bale of cotton, say.

Mr. AVERY. And that is always an exact mathematical formula, is it not; that is, with certain allowable variations?

Mr. BRAINARD. The——

Mr. MACK. State your name for the record.

Mr. BRAINARD. S. W. Brainard. Do you want my title? I am manager of laboratory services in our technical service organization.

The manufacturer, by means of weighing quantities of cotton and dacron polyester fiber, controls the blend quite accurately. It is, of course, to his interest not to exceed the higher priced fiber in the blend, and for performance reasons he wants to maintain an adequate quantity in there. So it is a reasonable well regulated part of his operation.

Mr. AVERY. I had one more question. It really is not fair, perhaps, to direct it to you. I should have asked it yesterday. But it is one facet here I do not believe we touched on.

The witnesses yesterday raised considerable objection to the extra expense and confusion, and whatnot, of including this percentage identification label on their various furniture products.

Would either one of you gentlemen have anything to offer for the record in the way of opinion? Are there many pieces of furniture which would use more than one fabric in its construction?

Mr. TRAPNELL. I will say, first of all, we know very little about the furniture business. They are several steps beyond us in the chain of taking a product to the consumer.

I don't believe we would be qualified to give a quantitative answer on that.

Mr. AVERY. Your opinion would be just as that of anyone like the rest of us?

Mr. TRAPNELL. That is right.

Mr. AVERY. Mr. Chairman, that is something we did not get into yesterday, and I can see how it would further perplex the problem of the furniture manufacturer if such is the case. Very frankly, I do not know.

Mr. MACK. It is possible, but we will have someone testify on that.

I have just one final question, which has to do with this performance standard matter we discussed yesterday.

Do you see any possibility, or is there any probability that at some future date we will be able to develop performance standards so that they could be included in labels, labeling, and so forth?

Mr. TRAPNELL. We think it is a long time off. The tests we have today to determine the suitability, wear life, whatever you want to call it, of a fabric for a garment or furniture or carpet, are not sharp enough tools for us, really.

Also, you can have a fabric which is perfect in every respect, and have it when put in garment form give the consumer a very bad buy.

A fabric which does everything the consumer would expect of it, if it is improperly sewn together, linings, inner linings, and so forth, are used; performance standards with regard to the fabric have no bearing on consumer satisfaction.

Mr. MACK. I suppose it would be a very difficult thing, too, because you would almost need a separate performance standard for each industry.

Mr. TRAPNELL. For each industry, and for each fiber blend, perhaps, within the industry.

Mr. MACK. It would make it very difficult, if not impossible.

Mr. TRAPNELL. It would be very difficult to arrive at, and extremely difficult to administer, I am sure.

Mr. MACK. That is my point, and I think it would be.

Thank you very much, Mr. Trapnell.

Mr. TRAPNELL. Thank you, sir.

Mr. MACK. If you don't mind, my colleague, Mr. Avery, just mentioned to me that I might inquire about the automobile upholstery. I think the present legislation does not cover that area. Do you feel there is a need for including the automobile companies or the upholstery in the automobile under this type legislation?

Mr. TRAPNELL. Well, I must say we have not studied the problem with regard to the automotive industry. I don't know whether there is a need.

Mr. MACK. They are using substantial amounts of manmade fibers.

Mr. TRAPNELL. Yes. I can only speak as a consumer in that regard. We have made no study on the need for informative fiber labeling in the automobile industry.

Mr. MACK. I guess the misrepresentations certainly would be very limited.

Mr. TRAPNELL. That would be my impression. There are quite a few fabrics used in cars other than upholstery, the overhead lining and carpet, and so forth, and frankly we have just not studied that situation.

Mr. MACK. Of course, to carry out the intent of this legislation, you would at least be informing the people of the content, the fiber content.

Mr. TRAPNELL. Certainly if a problem exists, we would support labeling; yes, sir.

Mr. MACK. You are of the opinion that certainly it is not a major problem existing in the industry?

Mr. TRAPNELL. I really can't answer. I don't know.

Mr. MACK. Well, thank you very kindly. We appreciate your testimony.

Mr. TRAPNELL. Not at all, sir. Thank you very much.

Mr. MACK. Our next witness will be Mr. Donald Bedell, of the Chemstrand Corp.

Is Mr. Bedell here?

Mr. CARRETTA. Mr. Chairman, my name is Albert Carretta. I am the witness listed next after this gentleman. The statement which I intended to submit to the committee was very brief, and will be concerned with the exhibits which were presented by Mr. Trapnell, and I thought for the sake of continuity in the record, the committee might wish to hear me now, and my statement would not take more

than 10 minutes. I intend to comment on the advertising programs of the FTC.

Mr. MACK. We will proceed as we are scheduled. If you would like, you may submit your statement for the record at this point. You can have your remarks included following the statement.

Mr. CARRETTA. I do not have a prepared statement, but I will be very happy to wait until after they have finished.

Mr. MACK. You may proceed, Mr. Bedell.

**STATEMENT OF DONALD W. BEDELL, ASSISTANT SALES MANAGER,
THE CHEMSTRAND CORP., DECATUR, ALA.**

Mr. BEDELL. I have copies of my prepared statement which I would like very much to have you read along with me, if you would like.

My name is Donald W. Bedell. I am an assistant sales manager of the Chemstrand Corp., a corporation which manufactures synthetic fibers.

We have requested an opportunity to appear before this subcommittee to state the reasons why we believe that legislation requiring mandatory fiber content identification of the type embodied in H. R. 469 should be adopted.

This bill makes it mandatory for producers, processors, and retailers of textile fiber products to identify the fiber content of the textile fiber products which they sell. We believe that this type of legislation should be adopted for the same reasons that led the Congress to adopt the Wool Products Labeling Act of 1939. This same kind of useful protection should be afforded to purchasers of synthetic fiber products that the Wool Products Labeling Act now provides for purchasers of textile products containing new wool, reprocessed wool, or reused wool.

However, we believe that H. R. 469 should be amended in certain respects in order to bring it into conformity with the provisions of the Wool Products Labeling Act.

The Chemstrand Corp. manufactures nylon, and an acrylic fiber known as acrilan. As a basic manufacturer of synthetic fibers we favor legislation which provides for accurate percentage content labeling of textile fiber products. Such legislation will provide purchasers with the kind of information which they need in order to make informed and intelligent purchasing judgment possible.

Acrilan, nylon, and other synthetic fibers have certain unique properties which are attributable exclusively to the fact that they are synthetic compositions. But these fibers have become commercially useful and successful only because they have, as well, an additional property—the ability to be fashioned into fibers and fabrics which, from the point of view of the consumer, may be considered visually indistinguishable from natural fibers and fabrics.

It is, therefore, difficult for the consumer to distinguish between them, and the problem of fiber content identification in textile fiber products is becoming an increasingly important one.

Since each of these fibers and fabrics has different performances and characteristics directly related to the fiber content of the fabric, it is essential that the consumer be given an opportunity to make an informed decision as to the kind and type of end product which he or she wishes to purchase.

However, it is our judgment that performance labeling is neither feasible nor necessary, and we believe that the most satisfactory solution to this identification problem lies in the passage of mandatory fiber content identification legislation. This legislation should require producers, processors, and retailers accurately to disclose: (1) the percentage content of the various fibers in the textile fiber product, and (2) the order of their predominance by weight.

Under H. R. 469, the major fiber content of any textile fiber product must be disclosed to the purchaser. That is, the bill requires the identification of the fibers in the product by percentage content, and it will therefore be impossible for the purchaser to be misled as to which fiber predominates in the product.

An identification requirement which merely insures the listing of the fibers in the product in the order of their predominance by weight does not, in our judgment, disclose sufficient information to the purchaser to enable him or her to make an informed choice based upon an accurate knowledge of the predominant fiber content of the product.

We support H. R. 469 because it requires disclosure by percentage content, as well as by order of predominance by weight.

We believe also that the majority of the members of the textile industry are entitled to adequate protection against those few members of the industry who sometimes tend to mislead purchasers by representing a textile fiber product as something which it is not. Representations of this kind are damaging, not only to the reputation of the producers, but also to the reputations of processors and retailers.

We appreciate that representations of this sort can often occur because of a lack of familiarity with some of the new fibers and fabrics which are appearing on the market in ever-increasing numbers. Such a lack of familiarity may cause one to be the unwitting purveyor of inaccurate information to the consumer.

Because H. R. 469 requires fiber content identification by the producer, the processor, and the retailer, we believe that it will eliminate, or at least minimize, the occurrence of inaccurate representations, and that it will, therefore, benefit the entire textile industry, as well as the purchasing public.

One of the principal reasons why we are appearing here today is that we would like to recommend one substantial amendment to H. R. 469 as it is presently designed. We urge this subcommittee to give favorable consideration to an amendment which would require manufacturers, processors, and retailers of textile fiber products to identify separately the presence of reprocessed and reused fibers in textile fiber products.

As you know, the Wool Products Labeling Act has such a provision in it, and we feel that it is also desirable to include such a provision in H. R. 469.

The background for this recommendation is simple and straightforward. Synthetic fibers, like natural fibers, generally lose many of their desirable properties as a result of being reconverted into a fibrous material. A fiber or fabric which is made from such fibrous material is different from the unprocessed or unused fiber or fabric.

Many such differences are due to the number of weakened fibers or short fibers which appear in such fibers and fabrics as a result of

the reconverting process. As a practical token of the reduced value of such reprocessed or reused fibers or fabrics, products made from them, typically, command lower prices, and, in fact, have materially reduced performance characteristics.

For example, it has been our experience that 100 percent Acrilan blankets have a demonstrably superior resistance to shedding than do blankets which contain reprocessed or reused Acrilan.

Further, soft floor coverings which have been manufactured of 100 percent Acrilan have an ability to retain their matting resistance or resilience after they have been used extensively. A carpet which contains reprocessed or reused Acrilan does not have the same quality of resilience, and it is therefore not as useful as a soft floor covering.

Also, jersey fabric made of 100 percent Acrilan is manufactured in such a way as to achieve a highly desirable, woollike appearance with a high standard of performance, but in order to manufacture such a jersey it is necessary to use a specially stretched and relaxed Acrilan fiber.

We believe it is impossible to manufacture a reprocessed or reused Acrilan fiber from which a jersey can be manufactured which achieves these results. Similarly, reprocessed and reused nylon, Dacron, Orlon, and other synthetic products, show poor performance characteristics as against the original or pure product.

To sum up this point, in order to permit purchasers to make an informed decision as to the relative merits of the original or pure product as against the product containing reprocessed or reused fibers, we believe that H. R. 469 should be amended to provide that the fiber content identification on the product disclose the percentage content of reprocessed and reused fibers in the product.

Accordingly, we have prepared an amendment to H. R. 469 which incorporates such a requirement into the bill. This amendment is patterned on the similar provision which appears in the Wool Products Labeling Act.

In certain other respects, we believe that some of the provisions of H. R. 469 should be also amended. Our recommendations as to these amendments are largely technical, and we would therefore like to have your permission to amplify this testimony by submitting to you an amended version of H. R. 469 which embodies the amendment which we have discussed in some detail this morning, together with those technical amendments which we feel should be included in order to strengthen the bill.

We would request this subcommittee to permit us to submit such a revised version at a future time for inclusion in the record as a part of this testimony.

Mr. MACK. Without objection, that will be included.

Mr. BEDELL. Thank you. Fine.

(The information referred to is as follows:)

NEW YORK, N. Y., April 22, 1957.

Re Textile Fiber Products Identification Act.

HON. PETER F. MACK, Jr.,

*Committee on Interstate and Foreign Commerce,
House Office Building, Washington, D. C.*

DEAR MR. MACK: This letter sets forth the position of the Chemstrand Corp. with respect to certain proposed revisions to the Textile Fiber Products Identification Act (H. R. 469) which are now under consideration by your subcommittee. We are submitting this letter in accordance with the permission which you

granted on April 12 at the time that I testified before your subcommittee in support of H. R. 469.

As you may recall, the burden of one part of my testimony was to the effect that the Chemstrand Corp. believes that H. R. 469 should be revised so that it will apply to textile fiber products made from reprocessed manufactured fibers and reused manufactured fibers. We believe that such a revision of the act is justified for the same reasons that persuaded the Congress to insert a similar provision in the Wool Products Labeling Act of 1939, and for the reasons set forth in my testimony.

In view of the fact that Mr. Richard W. Trapnell testified on behalf of E. I. du Pont de Nemours & Co. in favor of such a revision for virtually the same reasons, you requested the Chemstrand Corp. to consider the suggested revision to that effect which is embodied in attachment A to Mr. Trapnell's prepared statement before your subcommittee. Accordingly, after reviewing this revision as well as the revisions embodied in attachment B to Mr. Trapnell's statement, we would like to advise you that we endorse the revisions to the act which are proposed in attachments A and B to Mr. Trapnell's prepared statement.

However, it is the view of the Chemstrand Corp. that the definitions of "reprocessed manufactured fibers" and "reused manufactured fiber" as they are worded in attachment A to Mr. Trapnell's statement would be improved by deleting the last 3 words of each of these subsections ("a fibrous state"), and by substituting for these 3 words the defined term "fiber." Although the corresponding sections of the Wool Products Labeling Act (secs. 2 (c) and 2 (d) thereof) use the phrase "fibrous state," we feel that it will clarify H. R. 469 if the defined term "fiber" is substituted for the phrase "a fibrous state."

As you know, the Wool Products Act does not define the word "fiber," and the use of the phrase "fibrous state" in sections 2 (c) and 2 (d) of that act therefore adequately conveys the intended meaning. We assume that the use of the phrase "a fibrous state" in sections 2 (e) and (f) of H. R. 469 as proposed by the Du Pont Co. is intended to convey the same meaning as the word "fiber" as defined in section 2 (b) of H. R. 469, and we therefore believe that it will lend clarity to the act if the word "fiber" is substituted for the phrase "a fibrous state."

We have no doubt that the term "textile fiber product" as presently defined in section 2 (b) of H. R. 469 includes, and is intended to include, "reprocessed manufactured fiber" and "reused manufactured fiber" as defined in the proposed new sections 2 (e) and 2 (f), but we believe that the changes in these definitions which we suggest will obviate the possibility of any contrary construction.

We therefore recommend the inclusion of the following new sections 2 (e) and 2 (f) of H. R. 469, and a revision of the designations of the present sections 2 (e) through 2 (n) to sections 2 (g) through 2 (o):

"(e) The term 'reprocessed manufactured fiber' means the resulting fiber when a manufactured fiber has been spun, woven, knitted, braided, felted, webbed, or otherwise fabricated into a yarn, fabric, or textile fiber product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into fiber.

"(f) The term 'reused manufactured fiber' means the resulting fiber when a manufactured fiber or reprocessed manufactured fiber has been spun, woven, knitted, braided, felted, webbed, or otherwise fabricated into a yarn, fabric, or textile fiber product which, after having been used in any way by the ultimate consumer, subsequently has been made into fiber."

We would like to take this opportunity to again thank you and the other members of the subcommittee for the opportunity which has been given to the Chemstrand Corp. to present its views in support of H. R. 469.

If we can be of any further assistance to the subcommittee in this matter, please do not hesitate to get in touch with me.

Very truly yours,

THE CHEMSTRAND CORP.,
DONALD W. BEDELL,
Assistant Sales Manager.

Mr. BEDELL. We are now in the process of preparing these revisions, and we will be able to submit them within 1 week. In order to expedite the work of this subcommittee, we would like to review our amendatory proposals in the light of those amendments which may be submitted to you today, and we will limit our recommendations to endorsements of such of those amendments as we subscribe to, together with our own recommendations for revision.

I would like to thank you for the opportunity which you have given to the Chemstrand Corp. to appear before you this morning and present its views in support of H. R. 469.

I would also be happy to answer any questions which any of you would like to put to me.

Mr. MACK. Thank you very much.

Following the representatives of Du Pont, I think most of the committee members asked the questions that would normally be asked of you. However, Mr. Avery, do you have any questions?

Mr. AVERY. I just wanted to observe, it appears to me that your testimony substantiated both the points made by Mr. Trapnell.

Mr. BEDELL. That is essentially correct. I think the approach taken happens to be virtually the same, and I think for the same basic scientific reason.

Mr. AVERY. And without committing yourself, your amendments probably will be proposed along the same lines. You have suggested one that appeared to be almost identical to his on reprocessed fibers.

Mr. BEDELL. That is correct.

Mr. AVERY. And you mentioned other technical amendments which I presume will be substantially the same as those he had drawn.

Mr. BEDELL. Yes; substantially the same. That is correct. That is right.

Mr. AVERY. I might suggest, Mr. Chairman, if it might expedite the work of the committee, if you could review those amendments, perhaps, and agree or disagree on them in part, it might save the committee analyzing two different sets of proposals.

Mr. BEDELL. At this point?

Mr. AVERY. Not at this point.

Mr. MACK. I think Mr. Avery's statement was this: That you could review the amendments suggested by the previous witness—

Mr. BEDELL. Oh, yes; I see.

Mr. MACK (continuing). And then perhaps agree on those and give a general endorsement of the amendments, or else submit your new amendments as you have received permission to do; is that correct?

Mr. AVERY. That is correct.

Mr. BEDELL. Yes.

Mr. AVERY. It would save us reviewing an additional set of amendments.

Mr. MACK. As a matter of fact, would you like to elaborate any on any of the questions we asked Mr. Trapnell a few minutes ago? We would be glad for you to do that. We would particularly like to have your opinion about this matter of performance standards.

Do your ideas regarding performance standards conform with Mr. Trapnell's testimony?

Mr. BEDELL. Yes; it is substantially the same. We feel that, even if performance standards could be established in the fast-moving textile business, that you would be required to establish standards almost season to season or year to year, and it would be virtually impossible to do that. But even if you assumed that it could be done, the enforcement of such a performance-standard operation would, in our opinion, be a monstrosity.

Blend levels, for example, as between one season and another, change very rapidly, and sometimes keep us a bit confused as to what is going on.

Mr. MACK. Thank you very much.

I presume you also deal exclusively in, whatever you call it, virgin manmade products rather than reused or reprocessed?

Mr. BEDELL. That is correct. We use the word "virgin" for lack of a better word. It is a little difficult, in good conscience, to call it virgin fiber, but if that is a reasonable phrase, we call it that.

Mr. MACK. I do not know whether some of your competitors are going to ask us to have another labeling law to prohibit you from using the word "virgin."

Mr. BEDELL. I would have no objection, either way, just so long as it was distinguished from reprocessed or reused.

Mr. MACK. Would you care to state approximately what percentage of the industry you are engaged in, what percentage of the sales of manmade fibers?

Mr. BEDELL. No. I know what our own sales are, but I don't know that there has been any comparison made between those sales and industry sales. I would have no such information at this point.

Mr. MACK. You do not have any claim such as being the largest producer of manmade fibers?

Mr. BEDELL. No, sir. That is correct, we don't.

Mr. AVERY. Would you yield, Mr. Chairman?

Mr. MACK. Yes.

Mr. AVERY. Could you state what percent of your fabrics is—I was trying to get into the record what percent of your product might go into furniture products, but that would be more up to the textile manufacturer to answer than the manufacturer of the fiber itself.

Mr. BEDELL. We do accumulate statistics on that as Du Pont does, I am sure. How accurate they are is a little difficult sometimes to say. The complications of the textile industry in the many hands through which fiber passes, sometimes makes statistical gathering a bit difficult and hazardous.

With regard to the furniture industry, at this point acrilan has virtually no application, up until now. In the case of nylon, a fair amount of it goes in, although I wouldn't be able to tell you, percentage-wise, how much it is. Acrilan, no; nylon to a small extent.

Mr. AVERY. To a small extent.

Mr. BEDELL. Relatively small, compared to the total volume that the furniture industry would use in here.

Mr. AVERY. That is all.

Mr. MACK. Chemstrand does produce a sizable portion of the manmade fiber, is that not correct.

Mr. BEDELL. Yes.

Mr. MACK. But Du Pont is a larger operator in this field, and produces more than you do?

Mr. BEDELL. I believe that to be true.

Mr. MACK. Thank you very kindly for your statement.

Mr. BEDELL. Very good.

Mr. MACK. We certainly appreciate the time you have taken.

Mr. BEDELL. Thank you for the opportunity.

Mr. MACK. Mr. Carretta, it appears to the Chair that it would be appropriate to have your statement included at this point, since the testimony is very similar. Is that agreeable to you, or would you still

like to have your testimony included in the record before Mr. Be-
dell's?

Mr. CARRETTA. I don't think it will be too important. I felt my comments regarding the garments that were presented to the subcommittee might make better reading in the record, but I don't think it is too important, Mr. Chairman.

Mr. MACK. Very well, you may proceed.

**STATEMENT OF ALBERT A. CARRETTA, REPRESENTING THE WORK
GLOVE INSTITUTE, WASHINGTON, D. C.**

Mr. CARRETTA. Mr. Chairman and members of the subcommittee, my name is Albert A. Carretta, a lawyer with offices in Washington, D. C. I appear here this morning in behalf of the Work Glove Institute, a trade association with offices at 176 West Adams Street, Chicago, Ill.

The members of this trade association manufacture work gloves made of cotton flannel. There are 49 members who belong to the association. The members represent approximately 75 percent of the production of the industry.

With respect to the dollar value of the cotton flannel gloves sold by association members, that amounts to approximately \$45 million a year.

With regard to the production of association members, they produce between 13 and 15 million dozen pair of cotton work gloves per year.

May I say that these are the gloves which are very, very cheap, even at retail, selling from 25 cents a pair to a dollar a pair, some more expensive ones going a little higher, but not much higher.

The position of the Work Glove Institute is that it would prefer that H. R. 469 or any other similar bill be not reported favorably to the House of Representatives. However, if this committee should feel that a Textile Products Identification Act is necessary in the public interest, then the Work Glove Institute respectfully recommends that another exemption be added to section 12 of H. R. 469, to wit, and I quote:

All gloves of which the textile components are 100 percent cotton.

Basically, the position of the Work Glove Institute is that they would prefer no bill.

The reason for the attitude of the institute is this: The institute admits that deception sometimes occurs in the distribution of textile products. But the position of the institute is that existing law already takes care of the problems which this committee is considering.

The Federal Trade Commission Act, which was adopted in 1914, has been tested by the courts, and even the Supreme Court of the United States has handled many misleading and deceptive labeling cases. So, consequently, the FTC today has the authority to proceed against a manufacturer who engages in interstate commerce and who deceptively advertises his products.

I must, of course, admit familiarity with the existence of the Wool Products Labeling Act, and the Fur Products Labeling Act. But, gentlemen, it is my opinion, and the opinion of my clients, that if this pattern is followed, that the day will come when everything

manufactured and sold in this country must be labeled. Why should fur products be labeled, why should woolen products be labeled, why should cotton textile products be labeled, and not these chairs which have a covering which looks like leather but I don't know whether they are leather or not?

But paints—I might digress for a moment—in driving over this morning, my wife told me she was interested in buying some paint for redecorating our home, and she talked to me about the base of the paint, was it an oil base or a lead base? I knew nothing about it.

I asked her the question, "Is the can of paint labeled?" And she said, "I don't think so." She is now going to call the distributor of the paint and ask questions regarding that particular paint.

But if we take care of fur products, if we take care of woolen products, if we take care of cotton textile products, there is no reason to exclude the distributors of leather products, paint, leather products, and pillows.

The FTC has had quite a set-to with the manufacturers of pillows. There are no labeling requirements with regard to the contents, there are no labeling requirements enacted by Congress, because there are rules and regulations—not rules and regulations—but there are trade practice rules promulgated by the Commission which do require the labeling of pillows as to the percentage of down content in the pillows.

Now, the mandatory labeling of work gloves, which are comparatively cheap, would increase the cost of the gloves to the consumer. No labels are now placed on these cheap, inexpensive gloves.

The institute feels that inasmuch as most of their production is composed of gloves made of 100-percent cotton, and they are sold as cotton gloves, that there is no possibility of this particular segment of the industry misrepresenting their products.

If, in fact, they do, then section 5 of the Federal Trade Commission Act is adequate to enjoin a practice of that nature.

With regard to some of the specific provisions of H. R. 469, I would like to comment upon section 12, which is the exemption section, but which in paragraph (b) thereof includes an overall clause which I think might be very troublesome to the Federal Trade Commission.

Subsection (b) of section 12 reads:

The Commission may exclude from the provisions of this act other textile fiber products which have (1) an insignificant or inconsequential textile fiber content. * * *

I have no objection to that, because that sets up a standard for the Federal Trade Commission to administer. But it is subsection (2) of that same paragraph which I think is troublesome:

* * * or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

It appears to me that under this subsection (2) of paragraph (b), the Congress of the United States would be delegating to the Federal Trade Commission the very authority which it itself has, in promulgating this statute, because the beginning of the bill reads:

That the purpose of the bill is to protect producers and consumers against misbranding and falsifying of the fiber content of textile fiber products, and for other purposes.

The purpose of the bill is "to protect producers and consumers."

Then in section 12 (b), subparagraph (2), Congress is giving the Federal Trade Commission the right to exclude any product, any product—there is no yardstick—which the Federal Trade Commission may feel is unnecessary, for the protection of the ultimate consumer, to be labeled.

Mr. MACK. May I ask a question at this point?

Mr. CARRETTA. Yes, sir.

Mr. MACK. Do you not feel that your gloves, your industry, would be excluded under this very provision that you are criticizing at this time?

Mr. CARRETTA. May I say, Mr. Chairman, that I had a talk with one of the staff members of the Federal Trade Commission, and it was his interpretation that work gloves would not be excluded. And that is why I am here today. Another comment regarding section 12: It appears that this authority to the Federal Trade Commission to exclude certain products is an authority granted to the Commission without the requirement of a public hearing and due notice to interested parties.

H. R. 5605, in section 11, specifically provides that—

the commission may, for good and sufficient reason, upon due notice and hearing, exclude other textile fiber products from the provisions of this Act.

Now, H. R. 5605 definitely provides for due notice and hearing. H. R. 469 does not provide for due notice and hearing, and the Commission, as I read the bill, if it were passed by Congress, could of its own exclude any product without calling in interested parties.

With regard to this problem which is apparently widespread in the industry, and I have reference to misbranding of products, it is my position, gentlemen, that section 5 of the Federal Trade Commission Act makes misbranding, whenever it occurs, per se a violation of law. All that the Federal Trade Commission has to do is to prove that any goods are sold in interstate commerce under a false and deceptive advertisement, either oral or written, and the Commission has the authority to issue a cease and desist order to enjoin the continuance of that practice.

I do not think that another bill is necessary to make the misbranding of cotton textile products an unfair method of competition. Congress in 1914 said so.

In the Winston Hosiery case, decided by the Supreme Court of the United States in 1922, a long time ago, the Supreme Court upheld the authority of the Federal Trade Commission to enjoin deceptive advertising and labeling practices. That was a label case.

Another section of H. R. 469 which disturbs me a little, besides the trend toward having everything we buy labeled, is that section 8 of H. R. 469, which is the injunction section. Section 8 of H. R. 469 provides that under certain circumstances when there is apparent to the Federal Trade Commission a violation of this bill, the Commission may bring suit in the district court of the United States or in any other court of any Territory, to enjoin the doing of such act and, upon proper showing, a temporary injunction or restraining order shall be granted, without bond.

Now, this is another special type of legislation, in my opinion. I say this because the Federal Trade Commission Act, enacted in 1914, an old, old act, does not have an injunction provision in it with regard to any other items except food, drugs, devices, or cosmetics.

Congress amended the original Trade Commission Act to provide for injunctions in the case of food items, drug items, devices or cosmetics. But, gentlemen, I maintain that the reason for that inclusion in the Federal Trade Commission Act was that each one of those items has a direct bearing upon the health of the consumer.

Now, if this bill passes, and the Federal Trade Commission has reason to believe that this particular law is being violated, the Federal Trade Commission may seek an injunction, even before a hearing before the Federal Trade Commission.

However, if a Ford automobile is sold as a Cadillac, and that is deceptive advertising, if goods of any nature are sold in interstate commerce deceptively, other than food, drugs, devices or cosmetics, today the Federal Trade Commission may not seek an injunction to enjoin that practice pending a hearing before the Federal Trade Commission.

I think that this type of special legislation will cause other industries next year, the year after that, or 10 years from now, to come to Congress and say, "We want special legislation similar to the type you gave to the manufacturers and distributors of woolen products, to the fur products manufacturers—I am not so sure that the fur products manufacturers or distributors wanted the legislation—but at any rate, a pattern is being set whereby industry after industry will come to Congress and ask for special protection.

I maintain that the Federal Trade Commission Act of 1914 is adequate to prevent any continuation of deceptive practices in any industry, be it cotton, wool, furs, or any other industry.

I should also like to call the committee's attention to the fact that with the passage of every other bill by the Congress, the Appropriations Committee has to appropriate additional money for additional staff for the Federal Trade Commission, so it increases the cost of the operation of Government.

Now, to comment upon the exhibits which were presented by Mr. Trapnell.

I was very much interested, Mr. Avery, in your question regarding that cute pink dress, which was labeled "No-iron, Dacron and Cotton."

You asked specifically the question, was the label correct? And the answer was, "Yes, the label was correct, but the advertising was deceptive."

Now, you could have all the laws like this in the world, and if the FTC does not proceed under the authority it now has, the consumer who buys a dress like that will be misled. The authority is existent.

I think that the other advertisements—I didn't read the advertisements, but I know that Mr. Trapnell referred to advertisements, and he referred to them as misleading advertisements.

Congress doesn't need to pass another law to do away with misleading advertisements. There is already on the statute books an age-old statute which has been tested, and any manufacturer and any distributor and any consumer can appeal—excuse me, "appeal" is not the word—can complain to the Federal Trade Commission of the practice being engaged in by any manufacturer or distributor, and the Federal Trade Commission will in due course take appropriate action to see that those practices are not continued.

Every one of the examples which Mr. Trapnell gave, I cannot see one which would not be covered; if the du Pont Co. wrote to FTC today and told them what was going on, I think the FTC would investigate those advertisements and would soon put a stop to that. New legislation is not needed.

That is all I have to say, gentlemen. I want to sum up by saying that the position of this comparatively small industry is that it should not like to be burdened with additional labeling requirements. Therefore, it is its conclusion that it would like no labeling bill.

However, if the committee does feel that the problems are so grave in this particular industry that an identification act is necessary in the public interest, then we respectfully ask the committee to insert a specific exemption for a product which is 100 percent cotton—I am not talking about something which may be 80 percent cotton and 20 percent something else—but if the committee could see its way to including an exemption for cotton gloves of which the components are 100 percent textile products, then the Work Glove Institute would be satisfied.

That is all I have, and I want to thank you for the privilege of appearing before you.

Mr. MACK. Thank you, Mr. Carretta.

Mr. Avery, do you have some questions?

Mr. AVERY. I am a little confused. Just when does a glove stop being a work glove? Who belongs to your association and who does not? I am a little fuzzy in that particular area. Is that determined by retail price, or by the fabric or fiber in the glove, or just what?

Mr. CARRETTA. No. Actually, Mr. Avery, it is a cheap glove that you might use in the garden, working in the basement.

Mr. AVERY. I have bought thousands of pairs of them.

Mr. CARRETTA. Those are work gloves.

Mr. AVERY. I am just trying to find out who you represent here. You identified your association as the Work Glove Institute. Now, are you saying that if this legislation is passed, only work gloves should be cut out?

Mr. CARRETTA. No; I hope definitely not, Mr. Avery. After objecting to special legislation, I certainly wouldn't want an exemption that only work glove manufacturers should be exempt, although the members of my association, the association I represent, manufacture only work gloves.

Mr. AVERY. That is, like Boss?

Mr. CARRETTA. Welles Lamont, Good Luck Glove Co., Indianapolis Glove Co., they just make these cheap work gloves and that is all.

In asking for the amendment, I can't very well ask for an exemption of the work glove industry, and that is why my recommendation was that the exemption provide for an exemption for all gloves of which the textile components are 100 percent cotton.

Now, that would extend the problem to gloves that undertakers use, for example. They are made of cotton. They are all white. And if they are 100 percent cotton, they would be exempt, too.

Mr. AVERY. Well, as I remember, as I say, I have been a pretty good customer of your clients there. Most of those gloves do already have a label on them. They say Boss gloves or some other. It doesn't seem to me it would be very difficult for them just to add 100 percent cotton on that same label.

They wouldn't even have to change the size of it.

Mr. CARRETTA. You are referring now to that portion of the label that has the trade name on it?

Mr. AVERY. Yes.

Mr. CARRETTA. Yes, that is true they do have that on it now. But they would have to change the label.

Mr. AVERY. They would have to reprint it, but that would be the only thing.

Mr. CARRETTA. That would not be necessary. But I was under the impression and I think the Federal Trade Commission might come up with the idea that this labeling content should be on a fastener which will be attached to hold the two gloves together.

Mr. AVERY. No. It is pretty well set out in the bill. There could be other information on the same label and I don't believe you have got much of a problem with that. It looks to me like it would take about 3 digits and 1 word and you would come under the full purview of the bill.

Mr. MACK. As a matter of fact, it would be very simple. All you would have to put on it is 100 percent cotton.

Mr. CARRETTA. Yes, that is right.

Mr. AVERY. The same label.

Mr. CARRETTA. Yes.

Mr. MACK. Is that a hardship on the industry?

Mr. CARRETTA. May I say although many gloves are labeled, many are unbranded gloves without any names on them whatsoever.

Mr. MACK. Those are factory throwouts?

Mr. CARRETTA. No, it is a device, Mr. Mack, for the purpose of selling the same glove at a cheaper price. It is done in many, many industries. The same product, one has a brand name on it, the other one has no brand name on it.

The one without a brand name on it is sold at a lower price than the one with a brand name on it.

Mr. MACK. Don't you think it would be wise to let the people know when they are paying more money for the same thing?

Mr. CARRETTA. Well, under this bill both the branded and unbranded would have to be labeled.

Mr. MACK. Wouldn't that protect the public interest, though, to have some requirement so that people would know when they were buying the same thing at a higher price?

Mr. CARRETTA. Well, this bill wouldn't do that, Mr. Mack, though.

Mr. MACK. I am just asking for your opinion.

Mr. CARRETTA. I certainly think that the consumers should know that when they buy a commodity that they are buying something similar to something else and they are paying a higher price, I agree with you, but I don't think this bill does that.

Mr. AVERY. We come right back to the same place, every pair of gloves that I have ever seen had some kind of a label on it. Isn't that correct?

Mr. CARRETTA. The answer is that every pair of gloves does not have a label on it but I presume that most of the ones that are sold do have labels on them, but not certainly a hundred percent.

Mr. AVERY. I see, not a hundred percent of the gloves sold would have a label on them.

Mr. CARRETTA. That is right.

Mr. AVERY. If I was buying as many pairs of these gloves as I used to buy, I would be interested in knowing where I could buy these cheaper gloves, that runs into quite an item, but that might be taking advantage of my position on the committee to do that.

Mr. CARRETTA. Actually, Mr. Congressman, what the industry doesn't like is the trend toward labeling of all goods.

Mr. AVERY. You would have to concede, would you not, that it wouldn't be a major catastrophe for the work glove industry if this bill were passed?

Mr. CARRETTA. I don't think so, sir. I think they could live under it and they could get along all right. If it is for the greatest good for the greatest number of the country they will get along with it.

Mr. AVERY. I just had that distinct impression.

Mr. CARRETTA. Definitely so.

Mr. AVERY. That is all.

Mr. MACK. Let's see if I thoroughly understand your statement. In the event that the work glove would be excluded from both bills, then you are still opposed to the legislation; is that correct?

Mr. CARRETTA. Insofar as the Work Glove Institute is concerned they would be satisfied with the exclusion.

Mr. MACK. I just wanted to get your testimony straight this morning. You are their representative?

Mr. CARRETTA. Yes, sir.

Mr. MACK. So if work gloves were excluded then you would have no objection to the passage of the legislation?

Mr. CARRETTA. The position of the Work Glove Institute can be stated in this order:

First, the institute would prefer no bill at all for the reason that another labeling bill is another addition in the pattern which started back in 1939 of requiring labeling of special products. That is their first position.

Their second position is that if the committee deems it in the public interest to have an identification act of this nature, then the Work Glove Institute requests that gloves, which are made of a hundred percent cotton be exempted under section 12, that is the position.

First, they oppose the legislation because they don't like it. Secondly, if they can't do anything about that first point, they would like an exemption of their product.

Mr. MACK. How many manufacturers do you represent?

Mr. CARRETTA. Forty-nine.

Mr. MACK. Forty-nine.

I was of the impression that this industry was rather generally small business operation; is that correct?

Mr. CARRETTA. Most of the members of the industry are small, but there are some very sizable ones: Wells Lamont, Good Luck Glove Co., Indianapolis Glove Co.—they have a factory that is 8 or 9 stories high, and they have warehouses in a few cities, that to me is not small.

Mr. MACK. There was a glove concern in Illinois that went out of business known as the Carlinville Glove Co., and I was wondering if they were formerly in your organization.

Mr. CARRETTA. I don't recall the name, sir. The profit margin, of course, is very small on these work gloves, but you have heard that argument before, so I don't want to make that too strenuous, being a

very cheap item they make a very little net profit on each pair of gloves sold.

So anything which adds to the burden of distributing their product will make their profit decrease.

Mr. MACK. You were a member of the Federal Trade Commission?

Mr. CARRETTA. Yes, sir, until 1954.

Mr. MACK. You were there at the time the inflammable fabric legislation was enacted?

Mr. CARRETTA. Yes, sir.

Mr. MACK. What was your position on that?

Mr. CARRETTA. That act was passed by Congress just about the time that I was appointed to the Commission, but I won't avoid the question.

I think the Flammable Fabrics Act is a good act because the intent of the Flammable Fabrics Act is different from the intent of the Wool Products Labeling Act and the Fur Products Labeling Act.

The Flammable Fabrics Act was for the protection of the life of the individual involved. It isn't to my mind, the Flammable Fabrics Act is not a labeling act. It is different entirely from the Wool Products Labeling Act and the Fur Products Labeling Act.

I think the Flammable Fabrics Act is a very good act and it is not the type of legislation that H. R. 469 is.

Mr. MACK. You were also a member of the Commission, I believe, when the Fur Labeling Products Act was passed?

Mr. CARRETTA. No; that was passed before I went to the Commission.

Incidentally, mine was an interim term, serving from 1952 to 1954.

Mr. MACK. What is your opinion of that act?

Mr. CARRETTA. The Fur Products Labeling Act? Again the problems in that industry were very, very numerous. My own feeling of the act is that it is in the nature of special legislation.

Mr. MACK. To protect the public interest?

Mr. CARRETTA. Yes; to protect the public interest, but if Congress protects the distributors of fur products, it must, when asked to, protect any other industry, do the same thing.

Mr. MACK. Yes; but we are protecting the consumer through our legislation, and I think that the textile legislation—

Mr. CARRETTA. I am not so sure, Mr. Mack. This cute pink dress was properly labeled, but was the public—was the consumer protected by that label on the dress by this bill? The answer is no.

Mr. MACK. Well now, we are not proposing this legislation for protection of one particular dress, or in regard to one particular advertisement that appeared in the newspaper. It would have the effect of giving more control over misbranding and misrepresentation, at the retail level especially, and I think that would certainly be in the interest of the consumer to protect the public interest on that basis.

Mr. CARRETTA. There is no question. I agree with that statement. But I am just afraid that 50 years from now this country will have labels on everything it buys, a pair of shoes. I don't know what my shoes are made of. Am I entitled to know what goes into the manufacturing of shoes?

You see my position, Mr. Mack, is that the Federal Trade Commission Act now makes unlawful any deceptive advertising, and all a manufacturer has to do who feels injured by a competitor's activities is to complain to the FTC. A consumer may also complain to the FTC.

Mr. MACK. Well, that is, of course, a difference of opinion. The FTC at the present time at least does not go along with your thought in that manner.

Now, as a former member of the Commission, would you have any apprehension or concern about delegating authority to the Federal Trade Commission?

Mr. CARRETTA. To protect the public interest, I think that any delegation of authority by the Congress to the Federal Trade Commission should have a definite standard in the legislation for the guidance of the Commission.

I think H. R. 469 now gives the Commission a blank check, and if I were a Commissioner I would ask Congress to include in section 12 (b) subparagraph 2, a provision that any exclusion made by the Commission would only be made after due notice and public hearing, as is included in H. R. 5605.

Mr. MACK. I think under the Administrative Procedures Act that that is true at the present time.

Mr. CARRETTA. They don't have to do it. It is not a rule or a regulation.

Mr. MACK. I think they are required to do it, in my opinion. I thought you having been on the Commission, would be familiar with that.

The FTC has been charged with the responsibility that Congress has through the Constitution. This responsibility has been delegated by the Congress. I know that our committee, particularly, has had a lot of faith in the action of the Commission. Speaking for myself, at least, I don't have too much apprehension about what the Commission will do with this authority which has been delegated to them.

Mr. CARRETTA. Please don't misunderstand me, Mr. Mack, I didn't mean I had no confidence in the present Commission; I have the fullest confidence in them.

I was only commenting upon the state of section—that is the wording of section 12 (b) at the present time. I am certain that the Commission itself and the staff members would proceed with caution in excluding any articles under the authority of section 12 (b).

Mr. MACK. Thank you very much.

Mr. Avery has a question.

Mr. AVERY. What would be your reaction, sir, if, say, that 12 (b) 2 section could be further limited by saying all products, commodities sold for less than \$1 value shall be excluded from this?

Mr. CARRETTA. That, to my mind, Mr. Avery, is a standard and I think it would be upheld by the courts. At least the Commission then wouldn't have a blanket authority to exclude.

What I am thinking of is, under that present provision in 30 years from now there could be on the Commission 5—the word that comes to me is crackpots, 30 years from now, and this bill is in existence, and the Chairman is the strong man of the Commission, and he goes to his colleagues and says, "We are going to exempt all dresses from the provisions of the cotton identification act or from the Textile Fiber Identification Act." The Commission could do it under 12 (b) 2.

Of course, I am not saying that it would happen. But I would like to see in that section there is a standard such as you have suggested or some other one which would guide the Commission in making the exclusion.

Of course, what I would like to see is that all workgloves be excluded.

Mr. MACK. The industry that you represent, does use some synthetics in their work gloves?

Mr. CARRETTA. Some of the manufacturers do, yes, sir. But they are not—I am not complaining in their behalf.

Mr. MACK. Some of them use reused fabrics or fibers?

Mr. CARRETTA. That I am not certain of, sir.

Mr. AVERY. I have no further questions and thank you very much.

Mr. MACK. Is Mr. Schapiro here?

That concludes the hearings this morning. The Chair would like to note the presence of the author of the labeling bill 469, our colleague, Congressman Smith of Mississippi. We are very happy to have him here present for our hearing.

The committee will stand adjourned until our next meeting on April 29.

(Whereupon, at 12:45 p. m., the committee adjourned to reconvene Monday, April 29, 1957.)

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

MONDAY, APRIL 29, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON COMMERCE AND FINANCE
OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in Room 1334 New House Office Building, Hon. Peter F. Mack, Jr. (chairman of the subcommittee) presiding.

Mr. MACK. The committee will come to order.

The committee will continue hearings on textile-labeling legislation. We started hearings on April 4 and continued them on April 5, and continued them further on the 11th and 12th of April.

Our meeting today is merely to accommodate those individuals who found it impossible to testify on one of these other days of the hearings.

Our first witness today is the Honorable Gerald Ford, of Michigan. Congressman Ford?

STATEMENT OF HON. GERALD R. FORD, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Ford. Mr. Chairman and members of the committee, I understand that the Furniture Manufacturers Association of Grand Rapids, Mich., has submitted to you a statement in opposition to H. R. 469, H. R. 5605, and H. R. 6524, and other similar bills. Grand Rapids is located in my congressional district, and I wish to associate myself with the statement previously presented to the chairman by the Furniture Manufacturers Association of that community.

We in Grand Rapids are rightfully proud of our record in furniture manufacturing. The association represents approximately 57 small furniture manufacturing concerns. We feel that the provisions of these bills to require labeling of outer fabric covers and listing the fibers therein will place unreasonable hardship on the furniture industry without any corresponding benefits to the consuming public.

Our industries are small businesses which, because of the large number of patterns and covers, and the thousands of samples involved, would find it most difficult to comply with the provisions of the act.

Our manufacturers do not feel that the disclosure of the fiber content gives the vital information required by the consumer. The construction, finish, and quality of the fabric are as important as the quantity of fibers used.

The furniture industry has engaged in voluntary programs to protect consumers from unsatisfactory upholstery fabrics. The proposed legislation would interfere with this program, and without granting additional benefits to consumers.

Our furniture manufacturers in Grand Rapids urge that this committee take no affirmative action in reference to these bills. However, if the bills are reported, they would suggest amendments to exempt upholstery fabrics and all outer coverings for furniture. I concur in this recommendation.

Thank you, Mr. Chairman and members of the committee.

Mr. MACK. Do you wish to have the Furniture Manufacturers' Association statement inserted?

Mr. FORD. That is correct, Mr. Chairman. The Furniture Manufacturers' Association of Grand Rapids has, I believe, sent to the chairman a statement. I have a copy here, if that would be preferable, to follow my statement at this time.

Mr. MACK. Without objection, we can have it inserted at this point.

Mr. FORD. Thank you very much.

(The statement referred to is as follows:)

GRAND RAPIDS, MICH., April 24, 1957.

Re textile fiber products representation bills (H. R. 469, H. R. 5605, and H. R. 6524.

HON. PETER F. MACK,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR SIR: We are submitting herewith a statement in behalf of Furniture Manufacturers' Association of Grand Rapids with respect to the above bills.

We have been informed that the subcommittee has scheduled a day of further hearings for Monday, April 29.

We specifically call to your and the subcommittee's attention the fact that the statement in every way supports the statements made by other representatives of the furniture industry to the effect that upholstery fabrics and all outer coverings for furniture should be exempt from any proposed legislation on the ground that the bills as written would place an undue burden on the industry without any corresponding benefit to the public.

We shall appreciate careful consideration of the association's position. If you desire any further information, kindly let us know.

We are also sending a copy of the statement and of this letter to our Congressman, Hon. Gerald R. Ford, Jr.

Sincerely yours,

McCOBB, HEANEY & DUNN,
By STEPHEN F. DUNN.

P. S.—I am enclosing all of our available copies, but if you require additional copies, we shall have them mimeographed and mailed to you.

S. F. D.

STATEMENT OF FURNITURE MANUFACTURERS' ASSOCIATION OF GRAND RAPIDS, MICH.,
IN OPPOSITION TO PROVISIONS OF THE TEXTILE FIBER PRODUCTS REPRESENTATION
ACT (H. R. 469, H. R. 5605, AND H. R. 6524)

This statement, on behalf of the association and its members, is submitted in opposition to H. R. 469, H. R. 5605, H. R. 6524, and similar bills.

If your committee should decide to report either of these bills out of your committee, we respectfully request that the furniture industry (and specifically upholstery fabrics) should be excepted therefrom.

The Furniture Manufacturers' Association of Grand Rapids was founded in 1911. It is a voluntary association of more than 57 manufacturers of furniture, located in western Michigan, who account for almost all the furniture production of Michigan, one of the leading furniture-producing States. Grand Rapids has the oldest furniture market in the country, and has long been known as a center for the manufacture of high quality furniture. The name "Grand Rapids" as applied to furniture has, in fact, acquired a secondary meaning which has been protected by the Federal Trade Commission and the courts.

We understand that the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce intends to hold further hearings on or about April 29, 1957.

The provisions of these bills (requiring labeling of outer fabric covers and listing the fibers therein) would place unreasonable hardship on the furniture industry, without any benefit to the consuming public. This has already been fully shown to your subcommittee by representatives of the furniture industry (including the National Association of Furniture Manufacturers, the Southern Furniture Manufacturers' Association, and the National Retail Furniture Association). We hereby join in their statements and, therefore, will not repeat them but will only emphasize the main points involved:

1. In Michigan, as well as nationally, the industry is composed of a large number of relatively small units. Furniture manufacturers find it necessary to purchase their fabrics from many sources, in order to carry in stock the wide variety required by customers. The exceedingly large number of patterns and covers, plus the fact that in many cases the customer selects the cover, would make it difficult, if not impossible, to comply with the act. Thousands of samples would have to be labeled, although many would never be selected, thus placing a further burden on the manufacturer. Additional personnel would be required to fill in the different labels required for each article and maintain records of the fiber content of the numerous fabrics in the manufacturer's line.

2. The disclosure of fiber content of a fabric does not give the consumer any pertinent information regarding quality or performance characteristics. According to testimony before your committee, it is the construction, finish, and quality of the fabric, instead of the quantity of fibers used that contributes to satisfactory performance. Consumers cannot possibly determine performance and quality of fabrics from the mere disclosure of relative quantities of each fiber used in a given fabric.

3. Upholstery fabrics are now specifically exempted from labeling requirements under the Wool Products Labeling Act. H. R. 5605, 6524, and 469 would nullify this exemption.

4. The legislative history of these proposals shows that the bills are designed to deal with the problems in advertising, selling, laundering, and cleaning of wearing apparel, household linens, etc. Merchandise in these classifications presents problems entirely different from furniture. The legislation obviously was not drawn to deal with the problems of the furniture business.

The furniture industry has engaged in voluntary programs designed to obtain for consumers satisfactory performance of upholstery fabrics. The proposed legislation cuts across such voluntary programs and, therefore, constitutes an undue interference, without any corresponding benefit to the consumer. If your committee should, after careful consideration, nevertheless decide to report out any of these bills, then we respectfully urge the committee to adopt the necessary amendments so as to exempt upholstery fabrics and all outer coverings for furniture.

Respectfully submitted.

FURNITURE MANUFACTURERS' ASSOCIATION
OF GRAND RAPIDS,
By STEPHEN F. DUNN, *Counsel*.

Dated at Grand Rapids, Mich., April 23, 1957.

Mr. MACK. Are there any questions?

Mr. Moss. No questions.

Mr. MACK. I might state that we also have a communication from Senator Potter, of Michigan, on the same subject. I believe it would be appropriate to have it included in the record at this point.

(The statement referred to is as follows:)

UNITED STATES SENATE,
Washington, D. C., April 12, 1957.

HON. PETER F. MACK, JR.,

Chairman, Subcommittee on Commerce and Finance, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: The Furniture Manufacturers' Association of Grand Rapids, Mich., has advised me it wishes to go on record as opposing H. R. 469 and H. R. 5605, the so-called Textile Fiber Products Identification Acts, pending in your subcommittee, and desires to be associated with statements presented to your subcommittee in opposition to the measures by the

National Association of Furniture Manufacturers, the Southern Furniture Manufacturers Association, and the National Retail Furniture Association.

I will appreciate your so advising the members of your subcommittee.

Thank you very much for your cooperation.

Sincerely yours,

CHARLES E. POTTER.

Mr. MACK. Thank you very much, Mr. Ford. We are all familiar with the area you represent, and we know of your deep interest in this subject.

Mr. FORD. I appreciate your consideration, Mr. Chairman.

Mr. MACK. The Chair feels that because of the opportunity which has been given to every individual and every association and every interested party to testify on 4 other days, that the testimony today should be held to a minimum. Therefore, the Chair is going to suggest to the people who testify today that they might file their statements and limit their further comments to 5 or 10 minutes.

Our next witness today is Mr. J. A. Crowder, representing the Boston Wool Trade Association.

Mr. Crowder?

**STATEMENT OF J. A. CROWDER, ATTORNEY, WASHINGTON, D. C.,
REPRESENTING BOSTON WOOL TRADE ASSOCIATION AND THE
NATIONAL WOOL TRADE ASSOCIATION; ACCOMPANIED BY
CHARLES L. BIGGIN, MEMBER, EXECUTIVE COMMITTEE, BOSTON
WOOL TRADE ASSOCIATION**

Mr. CROWDER. Mr. Chairman, my statement will not take over 10 minutes. With the Chair's permission, I would like to read it. I have certain citations therein which, with your permission, I would like to have inserted in the record as though read. I will omit those to save time.

Mr. MACK. Very good. Your complete statement will be included in the record.

Mr. CROWDER. Thank you.

Mr. Chairman and members of the committee, my name is J. A. Crowder. I am an attorney in the law offices of Clinton M. Hester, this city. I am appearing here today on behalf of the Boston Wool Trade Association and the National Wool Trade Association, for which we are Washington counsel. With me here today is Mr. Charles L. Biggin, a member of the executive committee of the Boston Wool Trade Association.

The members of the two associations which we represent here today supply the woolen and worsted manufacturing industry of the United States with approximately 90 percent of the wool which it consumes.

The Boston Wool Trade Association, which has been in existence for a half century, is the trade association of members of this industry in the New England area. The National Wool Trade Association is, as its name implies, nationwide in scope.

Our members buy wool at the ranch or abroad, sort it, classify it as to type and grade, process it through the cleaning operation known as scouring, and perform all other services necessary to prepare the raw wool from the sheep's back for use by manufacturers.

In addition, some of our members perform the early stages of manufacture known as combing and topmaking, which prepare the wool

for manufacture into yarn. The function of the wool trade is to act as a connecting link between the wool grower and the wool manufacturer.

The interest of the wool trade in the subject of informative labeling and advertising of textile fiber products proceeds from our interest in the raw fiber, wool.

The Wool Products Labeling Act, which requires informative labeling of textile products containing wool, has been in existence for 17 years, and has, in our judgment, proved its merit both from the standpoint of the consumer and the standpoint of the industry. We are pleased to note the contemplated extension of the principle of this act to the labeling and advertising of other textile fiber products.

We think it is today more important than ever before that the consumer be afforded full and accurate information identifying the fiber or blend of fibers comprising the textile products which he buys. This is because the consuming public today has available to it a greater variety of fibers, natural and synthetic, and blends of fibers, than ever previously.

The consumer has, in our opinion, a right to know what he is getting; and the producer of the fiber has both a right and a corresponding responsibility to have his fiber identified on the label and in the advertising of the products into which it is manufactured and in which it is sold.

H. R. 469, H. R. 5605, and H. R. 6524 are all designed to accomplish the laudable objective of establishing mandatory fiber identification and are all, therefore, we respectfully suggest, very definitely in the public interest.

Certain features of H. R. 469, on the one hand, and H. R. 5605 and H. R. 6524, on the other, appear to meet a particular phase of the problem with peculiar efficacy and are, we believe, to be preferred. We have for convenience arranged our brief discussion of these bills under the headings of "Labeling" and "Advertising."

Labeling: With respect to labeling, we wish to state at the outset that we join with the National Wool Growers Association in their unalterable opposition, expressed to you earlier in these hearings, to repeal or weakening of the Wool Products Labeling Act of 1939. We agree wholeheartedly with the Federal Trade Commission's position that repeal of this act would be "a serious mistake." That is from a letter, Chairman Gwynne to Hon. Oren Harris, re H. R. 5605, dated April 4, 1957.

H. R. 469 would not affect the Wool Products Labeling Act. H. R. 5605 would repeal this act and would substitute therefor labeling requirements, in our opinion, much less adequate.

The opposition to the Wool Products Labeling Act, as we understand it, revolves about two issues. The first of these issues is whether it is justifiable to require, as the act does, that the presence of reprocessed or reused wool be specified on the label of the product in which such wool appears.

The arguments being urged upon you, gentlemen, in opposition to the requirements that reprocessed and reused wool be designated, were fully aired before this committee during the hearings which preceded enactment of the Wool Products Labeling Act.

These arguments were considered and rejected by a majority of this committee and by the Congress.

In its report to the Congress on the bill which became the Wool Products Labeling Act, House Report No. 907, 76th Congress, on H. R. 944, this committee stated that it—

* * * especially stresses as an achievement in definiteness and simplification the three classifications of wool, reprocessed wool, and reused wool, and the requirement of the percentage of each classification on the label. All bills which have been introduced, and all endorsements of the legislation, aim at fiber identification by some formula distinguishing between the original wool fiber, and reclaimed or reused wool fiber. The committee is in agreement that the definitions in this bill achieve fiber identification as far as practicable without encumbering the label with refinements which would make it burdensome to the industry and meaningless to the purchaser. The purchaser will at least know whether the garment came off the backs of animals or of humans (p. 9).

After noting that:

Very considerable efforts were made by the opposition during the hearings to shift enforcement from the label to laboratory tests, which tests they claimed to be inadequate to detect reworked or reused fiber in the fabric * * * (p. 10)—the committee stated that:

If the reused fiber can be integrated in a garment beyond detection by the laboratory test, it is all the more reason for the legislation, with enforcement placed on the label, backed by the records of the manufacturer, under penalty for falsification.

In the case of numerous products required to be labeled under the Pure Food and Drug Act and similar legislation, chemical analyses cannot determine, or cannot determine accurately, certain differences or the presence of certain adulterants. But in all these cases the maker knows his composition, and the law makes it an offense to falsely or incorrectly label the product (p. 10).

The committee noted in its report, page 10, that all objections of the Retailers National Council to the bill had been "completely cured," and that all amendments suggested by the American Retail Federation had been incorporated in substance and effect in the bill.

As a matter of fact, the committee noted that the president of the American Retail Federation had suggested—hearings on H. R. 944, 76th Congress—"the classification of 'reprocessed wool' and 'reused wool,' instead of 'reclaimed wool.'"

We have included the foregoing quotations to demonstrate to you, gentlemen, that any current opposition to the requirement that reprocessed and reused wool be so designated is based upon arguments which were thoroughly considered, and rejected, by this committee in 1939. The matter was resolved by the Congress, and in the past 17 years the American consuming public has grown accustomed to expect that it will be informed, by the label, of the presence of reprocessed or reused wool in a garment.

To deprive the consumer of this information which he, through 17 years of experience, has grown to expect—and which we believe he has a right to expect—would seem to us to be manifestly unfair.

Nor do we believe that the wisdom of preserving this statutory requirement is lessened in any degree by an alleged difficulty in detecting the presence of reprocessed wool in falsely labeled imports of wool products from abroad. A Federal Trade Commission witness has testified before you that the Commission knows of no such imports—transcript, page 168—but that he has been given expert opinion that the presence of such reprocessed fibers could be detected by laboratory analysis—transcript, pages 167–168.

In any event, we suggest that difficulty of enforcement in one limited area is not a valid reason for repeal of a statute of general applicability which provides abundant benefit to the mass of the people.

The second issue concerning the Wool Products Labeling Act is whether or not uniformity of labeling requirements for all textile fiber products is to be desired. We submit that uniformity is very much to be desired, in the interest of both the manufacturer and the consumer.

Yet we suggest that the proper method of achieving uniformity is not by scrapping the Wool Products Labeling Act, then applying to all textile products, including wool products, a looser set of standards—thereby sacrificing the advances made by the Congress 17 years ago when it enacted the Wool Act.

It seems to us that the Congress would be rendering a fine service to the consuming public of the United States and to the entire textile industry if it were to achieve uniformity by extending to all textile products the very worthwhile labeling requirements embodied in the Wool Products Labeling Act.

This would be accomplished if the Congress were to enact the labeling provisions of H. R. 469 with a simple amendment—already proposed to this subcommittee by the principal producers of synthetic fibers, Du Pont and Chemstrand—which would apply across the board the requirement that the presence of “reprocessed” and “reused” fibers be disclosed on the label.

This would, in our opinion, be an achievement which would properly reflect substantial credit on this committee and the Congress in the eyes of the American public and the overwhelming majority of the textile industry.

Advertising: It is our belief that as between labeling and advertising of textile products, somewhat different considerations obtain.

From the standpoint of the consumer, so long as he is protected by an accurate and fully informative label on the product which he buys, it would appear justifiable to relieve the seller, so far as would be reasonable, of the burden of detail in preparing his advertising copy.

From the standpoint of the seller, we are informed that it might impose a genuine hardship on manufacturers and especially on retailers to be required, with respect to their advertising, to state the percentages of fibers present in the products advertised, or to disclose in all cases the presence of reprocessed or reused fibers.

In view of the above considerations, we endorse the advertising provisions of the Mack bill, H. R. 5605, which would require disclosure of the fibers present in any textile product, including wool products, in order of their predominance by weight.

The Mack bill would, as we understand it, not require specification of percentages unless a fiber were present in an amount less than 20 percent, in which case the percentage would have to be disclosed. The Mack bill also contains no requirement that the presence of reused or reprocessed fibers be disclosed.

As applied to advertising, we believe the less stringent requirements of the Mack bill would adequately protect the public and the industry and would not be burdensome to manufacturers and retailers as more stringent standards well might be.

In summary, gentlemen, we respectfully submit that :

(1) The Wool Products Labeling Act should in any event be preserved intact;

(2) A very desirable uniformity of textile product labeling standards can be achieved by enactment of the labeling provisions of the Smith bill, H. R. 469, with an amendment requiring that the presence of any reused or reprocessed fiber in any textile fiber product be disclosed; and

(3) The consuming public and the textile industry can be given deserved protection by adoption of the advertising provisions of the Mack bill, H. R. 5605, for all textile fiber products including wool products.

As to provisions of H. R. 469 and H. R. 5605 not discussed in our testimony today, we are in accord with the views previously presented to this subcommittee by officials of the Federal Trade Commission.

Thank you, Mr. Chairman and members of the subcommittee, on behalf of Mr. Biggin and myself, for this opportunity of presenting our views to you.

Mr. MACK. Thank you, Mr. Crowder.

Mr. Moss?

Mr. Moss. No questions.

Mr. MACK. Mr. Avery?

Mr. AVERY. I believe not, Mr. Chairman.

Mr. MACK. I understand, then, Mr. Crowder, that what you propose would incorporate certain provisions of both bills. Would that not tend to complicate the legislation if you permit the advertising on the basis of predominance and the labeling on the basis of percentage?

Mr. CROWDER. If our suggestion were adopted, Mr. Mack, we would have uniform labeling requirements for all textile fiber products, and uniform advertising requirements for all textile fiber products. The only difference would be that the advertising requirements would be somewhat less stringent.

In our opinion, if I might respectfully suggest this, sir, we felt that this actually was a proposal which would simplify the legislation by achieving uniformity across the board in both the fields of advertising and labeling.

Mr. MACK. Well, does it achieve that purpose, though?

Mr. CROWDER. In our opinion, it does; yes, sir.

Mr. MACK. It would seem to me that you are adding an additional burden on the advertisers, whether it be manufacturers or retailers, in that you have a separate means or requirement for the actual advertising.

Mr. CROWDER. That is true, except that the manufacturer or the retailer, no matter what kind of textile fiber product, no matter what the composition, which he manufactured or sold, would know that no matter what it was, he would have one standard for labeling and a separate standard for advertising.

Mr. MACK. Yes. I think that is very commendable that you are endeavoring to cover the field.

On the other hand, it would appear to me—I have not given a lot of study to the proposal—that the advertiser, whether a retailer or a manufacturer, would have one standard or one set of instructions for labeling and a separate set for advertising.

Mr. CROWDER. That is true; that is true, sir.

Mr. MACK. Thank you very much, Mr. Crowder.

Mr. CROWDER. Thank you.

Mr. MACK. Mr. Milton Linden? Is Mr. Linden here?

Who do you desire to testify?

Mr. LINDEN. Our statements are to be presented by Mr. Richard Levi, who is scheduled as a witness this morning.

Mr. MACK. All right.

STATEMENT OF RICHARD LEVI, PRESIDENT, TEXTILE FIBRES INSTITUTE, NATIONAL ASSOCIATION OF WASTE MATERIAL DEALERS; ACCOMPANIED BY MILTON LINDEN, WOOL STOCK INSTITUTE, NATIONAL ASSOCIATION OF WASTE MATERIAL DEALERS

Mr. LEVI. Mr. Chairman and members of the committee, my name is Richard Levi. I am president of the Textile Fibres Institute, which is a division of the National Association of Waste Material Dealers. I am also speaking for the Wool Stock Institute, another division of the National Association of Waste Material Dealers.

The Textile Fibres Institute is an association representing the commercial garnerer in the United States. Garnering is the process by which textile wastes and byproducts, by means of specially designed mechanical equipment, convert textile yarns and clippings into fibrous form.

Our association endorses H. R. 5605 and H. R. 6524 because we feel that this legislation (1) will eliminate unfair competition on both domestic and imported fabrics, (2) will eliminate the stigma which was artificially placed upon our fibers by previous legislation, and (3) is the type of legislation that can be properly enforced by the Federal Trade Commission.

Our first objection to H. R. 469 is that it does not repeal an unfair discrimination in the Wool Products Labeling Act of 1939. The Wool Products Labeling Act has a number of failings, the first of which is that it is designed to favor an agricultural group over an industrial group. It was passed at the insistence of the woolgrowers in the hope that it would expand the sale of their annual wool clip.

On April 5, before Congressman Mack, the woolgrowers' spokesman opposed amending the Wool Labeling Act because the words "reprocessed" and "reused" are believed to enable the woolgrower to sell more wool.

The Farm Bureau spokesman supported the Smith bill because it would aid in cotton-marketing problems. Thus, once again the techniques of 1939 are being repeated here. At that time, while purporting to be for the benefit of the consumer, the Wool Labeling Act was designed and intended as a price-support program for the woolgrowers, since it was hoped that by stigmatizing the competitive fiber, the demand and price for the new clip would increase. This has failed to occur.

Secondly, it is completely unenforceable legislation. There is no scientific way of accurately determining wool, reprocessed wool, or reused wool, as defined by the Wool Products Labeling Act.

There has been a great deal of testimony on this subject before your committee, and we feel that it is time that the loose talk on this subject is brought forcibly to the attention of this committee.

Certain previous witnesses have made direct or oblique statements whose purpose was to make your committee believe that accurate, quantitative analysis could be made when wool, reprocessed wool, and reused wool were contained in a fabric. This we deny.

I should like to read into the record a letter received from the United States Testing Co., one of the outstanding independent testing laboratories in this country:

UNITED STATES TESTING Co.,
Hoboken, N. J., April 19, 1957.

Mr. RICHARD LEVI,
Star Woolen Co., Cohoes, N. Y.

DEAR MR. LEVI: The problem which you presented in your letter of April 16 is one which has existed since the Wool Labeling Act became effective some years ago, and is the type of analysis which we are continually requested to perform. There is no analytical method for determining the percentage of reprocessed or reused wool in textile material. In fact, these "types" of wool cannot be determined either qualitatively or quantitatively.

Years ago, attempts were made to establish virgin, reprocessed, and reused wools by determining the degree of damage to scale structure, etc. However, this idea was worthless, since investigators soon realized that some reprocessed wools showed less damage than virgin wools and some reused wools were in better condition than reprocessed wools. Also, as you probably realize, one of the oddities of the Wool Labeling Act permits fibers reprocessed from knitted sweater clips to be classified as virgin wool, but wool reprocessed from woven or felted goods cannot be classified as virgin wool.

We are sure there is no analytical method for determining the presence or absence of reprocessed or reused wools in textile materials. We understand the Federal Trade Commission relies on examination of records concerning the origin and sales history of these wools. We hope this information is helpful to you.

Very truly yours,

UNITED STATES TESTING Co., INC.,
F. P. BRENNAN,
Assistant Sales Manager.

As you can see, gentlemen, this letter categorically denies that identification can be made.

In the statement of a previous witness, attention is directed to an expert who, in 1939, during the hearings on the Wool Labeling Act, claimed that he could make such recognition. However, in reading his statement over, there are so many qualifications that it ends up as a lot of double talk. In the testimony of another witness, reference is also made to this subject. The statement was somewhat hedged, but left the impression that such recognition could be made.

A statement from a representative of a Government agency advised your committee that he had an expert who could make such accurate recognition of the fiber.

There was also oblique reference to this in the testimony of one of the synthetic fiber producers, but directed mainly to synthetics. They indicated that determination could be made by fiber length, although this was contradicted in a later portion of their testimony. The expert purported to have the ability to make an accurate quantitative fiber analysis on fabrics containing wool, reprocessed wool, and reused wool is Mr. Werner Von Bergen, an employee of the Forstmann Woolen Co., an organization opposing any change in the Wool Products Labeling Act.

Mr. Von Bergen is also the author of a textile reference book called *The American Wool Handbook*. In the latest edition of this book, published in 1948, Mr. Von Bergen has this to say on the subject—after discussing the attendant problems in this connection, he concludes as follows:

Obviously, determination of the presence of reprocessed and reused fibers in wool fabric, even with the most skillful microscopic methods, is very difficult. As a rule, the manufacturer is the only authority as to whether or not reclaimed wool has been used in a specific cloth.

In addition to the sources previously quoted, this is confirmed by informal conversations with the Bureau of Standards of the United States, the American Society for Testing Materials, the International Wool Textile Organization, as well as other independent testing laboratories.

Uncontradicted statements in both the English and Australian Parliaments on the subject of wool labeling fully confirm this.

We are so certain of our position that we make the following proposal to those groups that have testified otherwise:

We are willing to submit a number of samples of fabric, containing various percentages of wool, reprocessed wool, and reused wool, and if by scientific analysis these contents can be accurately determined, we will then withdraw our objection to this section of H. R. 469. However, if they fail, then the public record will demonstrate to all that their insistence on the words "reprocessed" and "reused" is designed solely to stigmatize our product and is without a shred of scientific justification.

If they fail to provide scientific proof, their continued insistence on this discriminatory treatment and their failure to correct the public record is hardly motivated by their alleged interest in truthful consumer labeling.

Large quantities of woolen fabric are being constantly imported into this country. These fabrics, although theoretically subject to the law, actually are not, because not even records are available to the Federal Trade Commission. This places the American manufacturer in a grossly unfair competitive position as compared with his foreign counterpart.

Certainly the Wool Products Labeling Act should be amended to conform with the practices of other friendly countries from whom we import competitive fabrics in order to give the American manufacturer the same opportunity for individual ingenuity and initiative now enjoyed and employed by foreign mills supplying our markets.

The woolgrowers admit that their purpose in advocating the Smith bill and their objection to amendment of the Wool Products Labeling Act was to sell more raw wool.

The volume of protection which this industry needs is apparently unlimited. Presently wool is classified as a strategic fiber and as such receives Government subsidy based on 108 percent of parity.

During 1955 the woolgrowers received 44.9 percent of their total income as a subsidy from the United States Government. In addition to this, they are protected by a 25½ cents per pound duty on all competitive wool entering this country.

With all this protection, the woolgrower produces only approximately one-third of our wool requirements, approximately two-thirds

being imported. Despite all this, United States wool production has steadily declined.

The matter of fiber labeling has been given consideration by all the important countries of the world. Only in the United States do we find labeling legislation, presumably designed for consumer protection, serving as a device for a price-support program of a particular raw material. This was achieved by unfairly debasing certain other fibers in the minds of the consumers so as to create sales resistance.

The key to the economy of Australia is wool, and certainly Australia would do nothing to undermine the reputation of wool. In 1940 Australia adopted labeling rules patterned after the United States Wool Products Labeling Act. In 1953 the rules were found to be unworkable and the words "reprocessed" and "reused" were repealed. A copy of the repealed statutory rules is attached hereto.

(The document referred to is as follows:)

STATUTORY RULES

1953—No. 54

REGULATIONS UNDER THE COMMERCE (TRADE DESCRIPTIONS) ACT, 1905-50¹

I, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following regulations under the Commerce (Trade Descriptions) Act, 1905-50.

Dated this 4th day of June 1953.

W. J. SLIM, *Governor-General*.

By His Excellency's command,

GEORGE MCLEAY,

Minister of State for Shipping and Transport for and on Behalf of the Minister of State Trade and Customs.

Amendments of the commerce (imports) regulations²

1. These regulations shall come into operation upon the expiration of 3 months after the date on which they are notified in the Gazette.

2. Regulation 5 of the Commerce (Imports) Regulations is amended—

(a) by omitting from the definition of "fiber" the words "reprocessed wool, reused wool,";

(b) by omitting the definition of "reprocessed wool" and "reused wool";

(c) by inserting, after the definition of "sound", the following definition: "textile products" means—

"(a) woven, knitted or felted materials manufactured from fiber; and

"(b) tops, yarns, threads and lace"; and

(d) by omitting from the definition of "wool" the words "other than the fiber from reprocessed wool or reused wool".

3. Regulation 7 of the Commerce (Imports) Regulations is amended by omitting paragraphs (f) and (g) and inserting in their stead the following paragraphs:

"(f) textile products and articles of apparel including boots and shoes;

"(g) leather."

4. Regulation 15 of the Commerce (Imports) Regulations is repealed and the following regulation inserted in its stead:

"15. (1) The trade description applied to articles of apparel or textile products which contain ninety-five per centum or more by weight of wool shall include the words "pure wool".

(2) The trade description applied to articles of apparel or textile products which contain less than ninety-five per centum by weight of wool shall not include the words "pure wool".

(3) The trade description applied to articles of apparel or textile products which contain less than ninety-five per centum but not less than five per centum by weight of wool shall include a statement specifying—

¹ Notified in the Commonwealth Gazette on June 5, 1953.

² Statutory Rules, 1940, No. 280, as amended by Statutory Rules, 1949, No. 46; 1951, No. 154; and 1952, No. 48.

(a) the percentage of wool which is contained in the articles or products; and

(b) the other fibers contained in the articles or products in order of dominance.

(4) The trade description applied to articles of apparel products or textile products referred to in the last preceding subregulation shall—

(a) if wool is the predominant fiber in the articles or products, state the percentage of wool first; and

(b) if wool is not the predominant fiber in the articles or products state the percentage of wool last.

(5) The trade description applied to articles of apparel or textile products which contain less than five per centum by weight of wool shall state the fibers other than wool in order of dominance followed by the words "less than five per centum of wool".

(6) The trade description applied to articles of apparel or textile products which contain no wool shall include a statement specifying the fiber contained in the articles or products or, if the articles or products contain more than one fiber, the fibers in order of dominance.

(7) The trade description applied to textile products or articles of apparel manufactured from textile products which contain loading or weighting substances other than ordinary dressing shall include the word "loaded" or the word "weighted".

(8) The trade description applied to textile products or articles of apparel manufactured from textile products which contain paper shall include statement that the articles or products contain paper.

(9) The trade description applied to boots and shoes which have outer soles composed otherwise than wholly rubber—

(a) shall state the material of which the soles are composed; and

(b) shall be conspicuously, legibly and indelibly stamped upon or impressed into the outer surface of each sole.

(10) The trade description applied to leather which contains a loading of a mineral or other weighing substance shall include a statement specifying the name and the percentage of each weighting substance contained in the leather.

(11) A trade description which is applied in pursuance of this regulation shall be in the English language.

(12) For the purposes of subregulations (3.), (5.) and (6.) of this regulation, articles of apparel or textile products which contain less than five per centum by weight of a fiber, other than wool or paper, shall be deemed not to include that fiber.

(13) For the purposes of subregulation (7.) of this regulation, a dressing used to meet legitimate trade requirements, and which does not contain anything in the nature of an adulteration or anything used for the purpose of deceiving as to the quality, substance, or nature of the products or articles, shall be deemed to be ordinary dressing.

(14) For the purposes of subregulation (10.) of this regulation, glucose and sugar which, taken together, do not exceed five per centum by weight of the leather and fats and oils used in the manufacture and preparation of the leather, shall be deemed not to be weighting substances.

(15) This regulation does not apply to the goods specified in the Third Schedule to these Regulations."

5. The Third Schedule to the Commerce (Imports) Regulations is amended by omitting the words "terry towels; terry toweling" and inserting in their stead the words "towels; toweling."

Mr. LEVI. No other country in the world today distinguishes wool on a basis of new, reprocessed, or reused. The International Wool Textile Organization has repeatedly, since 1938, taken the position that no distinction should be made between virgin and other wool fibers.

The basis of such positions is varied, but one is that there is no scientific method of determination. In view of this well-known scientific fact, the statement of the woolgrowers' spokesman to this committee, that new wool is better than reprocessed wool by the same token that a new Cadillac is superior to a used one, shows the emo-

tional and unscientific basis on which this committee is asked to enact legislation.

The proponents of H. R. 469 have attempted to give the impression that fabrics produced from other wool fibers are inferior in every way. This is far from the truth, and we will show to the committee both fibers and fabrics in this category so that you may judge for yourself.

The truth is that these fibers are of such excellent value that others, fearing the competition, cling to the Wool Products Labeling Act to stigmatize them as inferior. The public interest, therefore, is not served by paying a greater price for a fabric having no greater merit.

The proponents of the Wool Products Labeling Act attempt to condemn, by implication, other wool fibers by using expressions such as "ground up" or "ripped asunder." This is an attempt to form a misleading picture as our fiber and fabric exhibits prove.

In this short testimony, it is impossible to describe the art and science of processing fibers and manufacturing fabrics, but it is a very skilled art with specialized machinery and scientific knowledge, all designed to give the consumer the finest fabrics possible. In recent years, the blending of natural and man-made fibers, together with new fabric finishes, have produced fabrics with characteristics previously unapproached.

Section 2 (h) (1) of H. R. 469 defines a textile fiber product as a "fiber." Further on in the bill, section 4 (b) (4) provides that imported textile fiber products shall be labeled as to country of origin. The effect of this is to provide discrimination based on geographical areas as well as to increase the labeling problem in geometric proportion. The difficulties raised by this provision would not be in the consumer interests.

We have tried to present an honest and concise picture of the situation that confronts us and its effect on the consumer. We hope that the facts contained herein will lead this committee to report favorably on H. R. 5605 and H. R. 6524.

Mr. Chairman, Mr. Barnet with me here would like to show your committee a few samples of fibers and fabrics made from reprocessed and reused wools, as well as blends with other fibers.

Mr. MACK. Well, the committee has examined other fabrics, and if it is not too time consuming, we will be glad to have the samples.

Mr. LEVI. I wish to thank you for the opportunity of appearing before you, Mr. Chairman and members of the committee.

Mr. MACK. All right, Mr. Barnet.

STATEMENT OF WILLIAM BARNET, WILLIAM BARNET & SON, ALBANY, N. Y.

Mr. BARNET. This is a type which indicates the discrepancy in that category, and then we have several samples here which are regular types of reused wool and reprocessed wool, and I would be very happy to show them to you.

Mr. MACK. Mr. Levi, I might inquire about imports of wool, including reprocessed and reused wool. I understand there is some importation in that field.

Mr. LEVI. Mr. Chairman, are you referring to fabrics or fibers?

Mr. MACK. That is my question, I was going to ask whether it is imported in the form of fiber or imported in the form of fabrics.

Mr. LEVI. Well, there is some importation of all types of wool fibers into this country. There is also a large amount of woolen fabrics imported into this country over which the Federal Trade Commission has little or no control.

I was referring to fabrics in my statement.

Mr. BARNET. Mr. Chairman, I am William Barnet, of Albany, N. Y., a member, vice president, of the Textile Fibres Institute.

The two samples I have brought you up in boxes there are labeled and are virgin wool. They are a type of virgin wool which is very common, it is not the best, but it is just to illustrate to you the number of varieties thereof.

I have, also, right here, which I shall hand to the clerk, a sample which is reused wool. This is a very common type of reused wool, and it is a type that indicates in length and grade and strength that which can be done in reworking certain waste products.

I have here to show you the quality of another type of wool that is under the Wool Labeling Act; namely, reprocessed wool. I submit here a stock which is reprocessed wool, according to the 1939 Wool Labeling Act, and which is fine and strong and most usable in many types of fabrics, particularly the different types of oxfords which we all seem to be wearing these days.

Mr. MACK. How does that compare with the virgin wool and the reused wool?

Mr. BARNET. Well, for the particular place in which it is going to be used, it is probably superior to most, many types of virgin wool and many types of reused wool. There are many reused wools, there are many categories which would show, from which we could pick other reused wools that might do a comparable job and which is being done in foreign countries, and between that and yarns made of virgin wool it is almost impossible and it is impossible to tell the difference, depending upon the manufacturer, the skill and the knowledge with which they use these fibers.

Just to clarify that, there are innumerable types of these different products. Our industry is not one where it is a hit or miss proposition. Everything is put together for a particular customer's specific needs, and it is a matter of long years of experience and much investment in equipment. But these are just some ordinary types that we have decided to bring in front of you.

Now, I also have up there some fabrics, all of which have labels and I believe we can show those.

The labels on them will indicate how they are labeled according to the Wool Labeling Act of 1939. The plaid on top, that plaid fabric on top has a wool label, and the others are self-explanatory.

Mr. MACK. That is virgin wool?

Mr. BARNET. I don't know. It is on the market as wool, according to the Labeling Act, and I imagine it well might be. I didn't bring too many. I just brought a few to show you the fabrics that are reused and reprocessed and others, as indicated on the tickets.

Mr. Chairman, those are the types of samples which Mr. Levi in his brief offered to submit and by which there is no known test that can be used to determine that which is reprocessed or reused or virgin wool.

Mr. MACK. It was testified the other day that a scientist could determine. Are you contradicting the statement which was made the other day?

Mr. BARNET. Mr. Levi's remarks indicated that we read from that, and also looked up other things that he had mentioned in the past. I am contradicting it also.

Mr. LEVI. Mr. Chairman, may I say a word on that subject. We do deny that such recognition can be made, very definitely and positively.

Following the testimony of the Federal Trade Commission on that subject, I wrote the Federal Trade Commission with reference to that, asking them to disclose the process. I received a reply referring me to Mr. Von Bergen. I don't understand all of the secrecy with reference to the process if it is really available.

In my brief, we staked our reputation on the fact that such recognition cannot be made, and testimony to the contrary is misleading.

I might also add here that I quoted Mr. Von Bergen in his wool handbook of which he is the author, and he makes this statement:

Obviously determination of the presence of reprocessed and reused fibers in wool fabric, even with the most skillful microscopic methods, is very difficult. As a rule, the manufacturer is the only authority as to whether or not reclaimed wool has been used in a specific cloth.

That is the gentleman who is being quoted as having such a process, which has been kept very secret.

Mr. Chairman, we would like you to give full consideration, after having examined those samples, as to the quality of the fabrics, and the fact that it cannot possibly be determined.

I think if that point is brought out to your committee, and that people who indicate they have such information cannot perform, then the weight of the evidence in opposition to our point of view falls by its own weight, by the wayside. I think that this is the crux of the situation with reference to enforcement of any labeling bill.

Mr. MACK. Thank you very much. Are there any questions from the committee?

Mr. MOSS. I have one or two, Mr. Chairman.

How do you separate the new type of acrylic fabrics from wool in the reclaiming process?

Mr. LEVI. Well, if they are mixed in a fabric, they are not separated. But they are analyzed as to the quantity present, and then sold in that form.

Mr. MOSS. How would that be labeled?

Mr. LEVI. It would be labeled a certain—if it was a woven fabric, it would be labeled a certain percentage of reprocessed wool and a certain percentage of acrylic fiber, or whatever may be in it.

Mr. MOSS. But it cannot be separated?

Mr. LEVI. Not commercially. It would be possible to destroy the wool, but that would not be commercial.

Mr. MOSS. If you destroyed the wool, there would be no point in trying to reclaim it.

Mr. LEVI. That is correct.

Mr. MOSS. It is your contention, then, that all of the testimony here just is not so, that there is a means whereby you can determine content of reprocessed or reused?

Mr. LEVI. That is correct. We have been searching for that for many, many years.

Mr. MOSS. You quoted one of the gentlemen over at the Federal Trade Commission, I believe, in some publication.

Mr. LEVI. No, I quoted Mr. Von Bergen, who is the expert that the Federal Trade Commission says can make this recognition. I quoted from his book, *American Wool Handbook*, of which he is the author, and I read the statement in his latest edition. And there he admits that no such recognition can be made.

Mr. MOSS. That is where I interpret it differently than you have. As I recall the statement you read, he said it is most, most difficult. He does not say that it is impossible. Is that right?

Mr. LEVI. He says it is most difficult under microscopic methods, which would merely be a qualitative analysis at best, not a quantitative analysis.

I further refer you to the United States Testing Co., which has stated categorically no recognition can be made.

I further say to Mr. Von Bergen, "Come forward and do it or withdraw the statements that are being attributed to you."

Mr. MOSS. Well, how do you answer the question of the average consumer, such as I. I am not an expert on fabrics or fibers.

Mr. LEVI. Yes.

Mr. MOSS. I always feel that I want to buy quality. The conviction is gained through experience over the years that only in quality do I get the wear of the service I seek. Now, is there something reassuring to me as a consumer to know what I am buying; that, if I pay for something that is all wool and supposed to be of the very best, I just have the conviction that if it has never been used before, it is better than if it has?

I know, I have a familiarity with other lines, I know, for example, that you can frequently buy a used automobile part, and it might serve adequately for just as long as the new one. But somehow, I always sort of rebel at the idea of doing it. I want to know if I have gotten the best within the price range I can afford.

Have I not that right to have the assurance that I am getting exactly what I have been told I am paying for?

Mr. LEVI. Well, Mr. MOSS, the mere fact that you buy something with a wool label does not assure you of quality. There are all grades of wool, there are all grades of reprocessed and reused wool.

Mr. MOSS. Well, within the framework of that, I try to buy generally recognized good products.

Mr. LEVI. I think that when you purchase something, you are interested that certainly in the appearance it is favorable, you wish to know how to care for the garment, and you wish to know that you got good quality. Those are the things in which I think any consumer is primarily interested.

I think that what has happened here has been that because of the testimony that was given during the passage of the Wool Products Labeling Act and what has occurred since, that the mind of the consumer has been poisoned against these artificial fibers.

Now, our contention with reference to these fibers is based solely on the fact that very excellent quality fabrics can and are being produced from them, and we are perfectly willing to demonstrate them in competition to fabrics made from other types of fibers.

We wish to do everything possible to convince your group that these are not inferior; that the competition in the textile industry is so severe as to provide the consumer the best possible fabric at the best possible price.

Mr. Moss. Well now, I like to buy all wool, I like to buy virgin wool, I like to buy all cotton, or I may want to have a cotton and dacron, or cotton and nylon combination. I like to determine which I am going to buy.

If what you produce from these reclaimed or reworked materials is the equivalent of that produced from the new fibers, then would it not be the better method to sell the quality or the superiority of your product?

I recall the gentleman mentioning that this package of gray wool for certain types of suiting materials might be superior. If it is in fact superior, why could not your associations undertake to educate the public? We have education in the new synthetics; we have a public acceptance through advertising their quality.

Is that not better than to seek some refuge under a labeling act which denies the customer or the consumer the right to know exactly what they are buying?

Mr. LEVI. I think your point is very well taken, Mr. Moss, but actually what we are seeking here is relief from the stigmatization that these adjectives give to our product, that make it very difficult to sell, when the quality is equal and in fact frequently superior to other materials that are labeled either wool or virgin wool.

Mr. Moss. If you could convince me of that fact, I would probably, the next time I buy a garment, look for the label "reprocessed" or "reused" wool.

Mr. LEVI. I think that perhaps I can, at least in part.

I might point out to you that wool that is produced in tanneries, that is, taken from the hides, is classified as virgin wool, and it is a very inferior product. What we are trying to say to you, gentlemen, is that the label is no guaranty of quality to the consumer. The guaranty of quality rests with the manufacturer of the fabric, the manufacturer of the garments, and the retailers who sell it. It is their effort to bring the consumer the best value for the dollar.

Mr. Moss. I have had some unhappy experiences.

That is all, Mr. Chairman.

Mr. MACK. Mr. Avery?

Mr. AVERY. No questions.

Mr. MACK. Thank you very much. We appreciate your testimony.

Mr. LEVI. Thank you, gentlemen, for permitting us to appear.

Mr. CROWDER. Mr. Chairman, with your permission, the previous witness quoted one paragraph from the book by Werner Von Bergen. With your indulgence, might we have inserted in the record the entire subchapter from Mr. Von Bergen's book from which this sentence is taken? It runs to six pages, and it is entitled, "Reclaimed or Virgin Wool." We would be glad to lend the book to the reporter for that purpose.

Mr. MACK. Well, I believe that the supplemental statement could be made by you and included in the record. I think that would be better.

Mr. CROWDER. Thank you, sir.

(The information referred to is as follows:)

LAW OFFICES, CLINTON M. HESTER,
Washington, D. C., May 8, 1957.

HON. PETER F. MACK, Jr.,

Chairman, Subcommittee on Commerce and Finance, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D. C.

DEAR MR. MACK: At the hearing held by your subcommittee April 29 on the pending textile labeling bills, you were kind enough to grant us permission to submit, for inclusion in the record, the entire subchapter entitled "Reclaimed and Virgin Wool" from the American Wool Handbook, which was written by the outstanding wool technologist Werner Von Bergen in collaboration with Herbert R. Mauersberger. We submit this material herewith.

As you recall, our request for permission to supply for the record the entire subchapter of the Von Bergen book was prompted by the fact that one isolated paragraph was quoted from this book by a witness who appeared before your subcommittee. The import of the quoted paragraph, which appears in page 282 of the book, is that microscopic determination of the presence of reprocessed and reused fibers in wool fabrics is "very difficult," and that ordinarily " * * * the manufacturer is the only authority as to whether or not reclaimed wool has been used in a specific cloth."

We commend to your attention the following additional excerpts from the Von Bergen book (all of which appear in the subchapter enclosed with this letter):

"The breaking strength, resistance to abrasion and elasticity of reworked fibers are lower than those of fibers which have not been through the manufacturing or reclaiming processes. Comparative breaking strength and abrasion tests made on virgin wool and reprocessed wool fabrics of identical construction and finish gave results shown in table 4" (p. 281).

* * * * *

"While it is difficult to differentiate between virgin wool, wool, reprocessed and reused wool, *the wool fiber content of fabrics can be determined qualitatively.* To arrive at a just estimate, many comparisons must be made with known samples. *Research in this field indicates that the most important characteristic of reclaimed wool (reprocessed or reused) which may be considered in detecting its presence is the percentage of damaged fibers * * **" (p. 282). [Italics supplied.]

Mr. Von Bergen's book is a standard reference text in the wool textile industry. We have therefore felt it incumbent upon us to bring to your attention the author's entire treatment of the subject of reclaimed wool, in order to demonstrate that—far from affording a basis on which to predicate a repeal of the Wool Products Labeling Act's requirements that the presence of reprocessed or reused wool in a fabric be disclosed on the label—Mr. Von Bergen's book provides strong evidence in favor of retaining this act in the form in which it has so satisfactorily served the consuming public and the wool textile industry since its enactment 17 years ago.

Respectfully,

CLINTON M. HESTER,
By J. A. CROWDER,

Washington Counsel, Boston Wool Trade Association, National Wool Trade Association.

RECLAIMED AND VIRGIN WOOL

Under the microscope, new or virgin wool generally exhibits a characteristic epidermis structure of variously formed scales. This scale layer is the protective covering for the cortical layer, which consists of a fibrous mass of individual cells. These very fine, spindlelike cells are responsible for the strength and elasticity of the healthy fiber.

The wool fiber usually withstands the constant bending, strain and pressure exerted on it by ordinary wear but, under excessive wear, the outer layer suffers and the whole fiber starts to break down in a manner similar to that in which a branch or twig is broken apart. Such damage is quite severe when wool fabrics are reconverted to fiber form by picking and garnetting, but it is not extensive when yarns are reduced to a fibrous state. In several cases, similar broken fibers were found in the instep and vamp of worn cloth shoes. The photomicrograph of four fibers which were subjected to repeated bending illustrates this mechanical damage (fig. 3). A characteristic damage is the tearing away of the fiber's protective covering and splintering of the fibrous cortical layer. The three photomicrographs in figure 4 illustrate some of the forms of torn and raveled ends which were found in reprocessed and reused wools. They may be present in varying degrees, according to the product from which they were recovered and the type of process necessary to reconvert them. The extent of the actual breakage and shortening of the fibers in manufacturing and reclaiming operations is illustrated by the comparative length curves of reclaimed fibers shown in figure 5. The average length of fibers reclaimed from an undyed virgin wool fabric in which new wool with an average length of 1.9 inches had been used was found to be 0.7 of an inch. Naturally, part of this shortening was due to the original manufacturing processes but it is believed that the greater part was brought about by the reconverting process. The average length of the fiber reclaimed from a similar dyed fabric was only 0.5 of an inch.

The breaking strength, resistance to abrasion and elasticity of reworked fibers are lower than those of fibers which have not been through the manufacturing or reclaiming processes. Comparative breaking strength and abrasion tests made on virgin wool and reprocessed wool fabrics of identical construction and finish gave the results shown in table 4.



Figure 3. Four wool fibers damaged by bending and wear.



Figure 4. Three damaged wool fibers found in shoddy fabric.

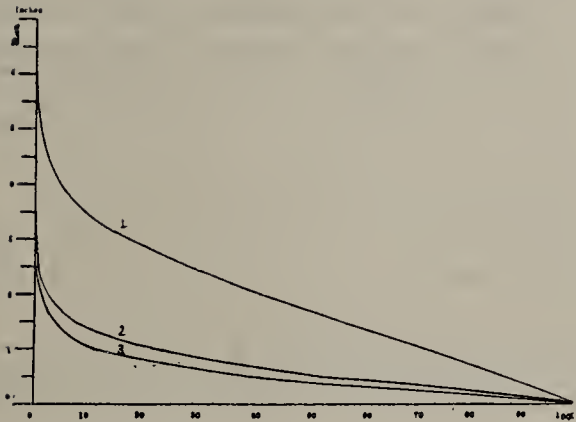


Fig. 5.
Comparative length
of virgin against
reclaimed wool.

	<i>Av. Length</i>	<i>Vari- ation</i>
1. Virgin wool	1.9"	63.2%
2. Reclaimed (nat.)	0.7"	71.4%
3. Reclaimed (dyed)	0.5"	80.8%

TABLE 4.—Strength and abrasion resistance of virgin and reprocessed wool fabrics

	Virgin wool fabric		Reprocessed wool fabric	
	Original	Redyed	Original	Redyed
Breaking strength in pounds (ASTM grab test):				
Warp.....	31.1	30.6	9.8	6.6
Filling.....	31.3	29.9	9.7	7.3
Abrasion resistance in number of rubs (Wyzenbeek machine):				
Cloth against cloth.....	40,000		2,600	2,300
Percent damaged fibers.....	1.2		11.7	

If large numbers of badly damaged fibers find their way into a new piece of fabric, the resulting product is naturally inferior to one in which the fibers have been processed without sustaining such damage.

One of the factors which makes it difficult, if not impossible, to ascertain the exact amount of virgin wool and reclaimed wool in a finished sample is that a fabric which has been subjected to unduly vigorous manufacturing processes will contain a large number of damaged fibers even though it may be an original fabric made from the best fleece wool. The chief sources of mechanical damage in manufacturing are in burr-picking, carding, combing, gigging, and napping operations, where there is danger of breaking down the fiber by improper setting of working parts, wrong quality of card clothing, and excessive raising.

The chief sources of chemical damage are (1) excessive alkali in washing and fulling, (2) prolonged boiling time in dyeing, (3) excessively strong acid in carbonizing, and (4) excessively strong chemicals in bleaching. In addition to this, baling wool in a moist condition may lead to severe bacterial damage as discussed in chapter 4.

Obviously, determination of the presence of reprocessed and reused fibers in wool fabrics, even with the most skillful microscopic methods, it is very difficult. As a rule, the manufacturer is the only authority as to whether or not reclaimed wool has been used in a specific cloth.

While it is difficult to differentiate between virgin wool, wool, reprocessed and reused wool, the wool fiber content of fabrics can be determined qualitatively. To arrive at a just estimate, many comparisons must be made with known samples. Research in this field indicates that the most important characteristic of reclaimed wool (reprocessed or reused) which may be considered in detecting its presence is the percentage of damaged fibers. Results of studies made on fabrics containing various amounts of reprocessed wool compared with the same fabric constructions made of virgin wool are given in table 5. Figures given are the average of at least 3 tests of 600 fibers each.

TABLE 5.—Damaged fibers found in different fabrics

[In percent]

Fabric.....	Velour wool-dyed	Broadcloth piece-dyed	Flannel piece-dyed	Cheviot piece-dyed	Cheviot wool-dyed
Original blend.....	½ blood Missouri	64's Penn Delaine 6 months Texas	70's Ohio Delaine	¾ blood Minnesota B/C S. A. lamb	50 percent Domestic 50 percent Austr lamb
100 percent virgin.....	2.04	1.27	1.79	1.54	1.39
50 percent virgin.....	4.45	4.15	4.91	4.12	6.27
50 percent reprocessed.....					
30 percent virgin.....					
70 percent reprocessed.....	6.58		6.90		6.46
100 percent reprocessed.....					

The number of damaged fibers in reused wool is higher than in reprocessed wool. This fact is substantiated by the results of the analysis of three samples shown in table 6. From these figures it can be seen that blends containing

35 percent reused wool and blends containing 100 percent reprocessed wool have approximately the same number of damaged fibers.

The presence of fibers other than wool.—Today much wool is reclaimed from fabrics containing various amounts of cotton or, especially, of rayon fibers of different sizes, dull and lustrous. To establish the percentage of different fibers present, a microscopic count of a fine cross section is the preferred method, but a chemical analysis should also be made. (See fig. 6.)

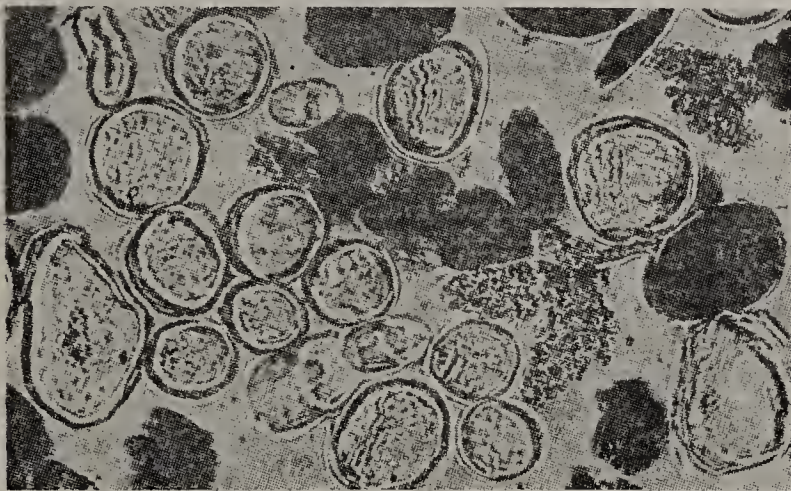


FIGURE 6. Cross section of a shoddy yarn containing wool, rayon, and cotton (X 500).

TABLE 6.—*Damaged fibers in various blends*

Sample.....	1	2	3
Blend.....	75 percent wool, 25 percent reused wool	65 percent wool, 35 percent reused wool	65 percent wool, 35 percent reused wool
Percent damaged fiber.....	4.1	6.1	5.83

Variety in color of the fibers is characteristic of reclaimed wool, since the fabric sources cover a wide range of colors. Though many of these fibers are redyed, the dye penetration is superficial and the original color of the individual fibers can be seen in fine cross-sections.

It is an interesting fact that of all Government fabrics, the 32-ounce overcoating of the United States Army is the only fabric in which the use of reprocessed and reused wool is allowed. The specifications for this fabric state that the blends from which the yarn is spun shall contain not less than 55 percent sheep's wool, and not more than 35 percent noils and/or reprocessed and/or reused wool. Broken sliver from cards and mules made from the mixture of this fabric, not exceeding 10 percent, may be added to the blend.

Except as provided above, the use of noils, card fly, card strippings, reused wool, reprocessed wool, fiber obtained from sweater clips, garnetted hard ends and similar waste is not acceptable. Government specifications allow a maximum residue of 2.5 percent after caustic soda boiling.

Chapter 1, under Labeling of Wool Products, gives the history of the approval of the Wool Products Labeling Act in October 1940. (See page 57.) This act governs the labeling of the various mill wastes, clippings, and rags in the United States, including all materials of a similar nature imported into this country.

Mr. MACK. Mr. Malcolm H. Frost, National Cashmere Association, I understand is not present this morning. He desires to insert a statement, and without objection, he may have that permission.

Our next witness is Mr. Ralph J. Bachenheimer, chairman of the Joint Committee on Labeling of Textiles and Apparel.

Mr. Bachenheimer.

STATEMENT OF RALPH J. BACHENHEIMER, CHAIRMAN, JOINT COMMITTEE ON LABELING OF TEXTILES AND APPAREL; ACCOMPANIED BY MAX J. LOVELL, NATIONAL ASSOCIATION OF SHIRT, PAJAMA, AND SPORTSWEAR MANUFACTURERS

Mr. BACHENHEIMER. Mr. Chairman and members of the committee, I am Ralph J. Bachenheimer, chairman of the Joint Committee on Labeling of Textiles and Apparel. I am also associated myself with one of the large textile manufacturers, Iselin-Jefferson Co., Inc., a subdivision of Dan River Mills, and I have with me an associate of mine, Mr. Max Lovell.

Even though we submitted our statement previously, I think it is brief enough that I would prefer reading it in the record.

Twenty-seven trade associations, which are listed below, representing various branches of the textile and apparel industries are united in their opposition to the bill introduced by Congressman Smith and designated as H. R. 469. To express that opposition they have banded together as the Joint Committee on Labeling of Textiles and Apparel.

The purpose of this memorandum is to set forth their common position in writing and in advance of the appearance of their chairman and spokesman before your committee on April 29 when he will present a more detailed analysis of the numerous reasons why this legislative proposal should not be permitted to become law.

The fact that these many trade organizations have joined in a single statement against the bill should not cause your honorable committee to overlook the scope and diversity of the industries for which we speak. They include textiles as well as garments. They include manufacturers as well as wholesalers and retailers.

They cover those who produce or handle woven goods as well as knitted goods. We speak for underwear as well as outerwear, for manufacturers of men's clothing, women's clothing, infants' and children's wear. A glance at the list of trade associations subscribing to this statement should suffice.

It should also be noted that these trade organizations reflect the opinion of a membership that totals several thousand business concerns which are deeply concerned about labeling practices and are located in all parts of the country.

Aside from the great number and the variety of firms for which we speak, it must be obvious that they occupy a position of special importance under the bills that your committee is studying; they are the persons on whom will be imposed nearly all the obligations of the proposed legislation and practically all the expense of compliance.

It is upon the sympathetic support and cooperation of these thousands of concerns that the success of any garment-labeling law must ultimately depend.

One thing should be made clear at the outset: We are no less interested than any other group that has appeared before your committee, that the consumer be adequately protected against misrepresentation.

We support honesty in labeling and truth in advertising, not only on principle but because we know it to be good business.

We know not only in the abstract but as a matter of hard business experience that false or unfair labeling creates unfair competition and is ultimately destructive. We in the textile and apparel business need and want the legal and prompt protection that legitimate interests should have against possible damage by an unscrupulous seller.

But the Smith bill will not do the job. In its preoccupation solely with fiber identification, it misses the main point of proper consumer and trade protection in textiles and apparel today. It rests on the same obsolete ideas that prevailed decades ago and which are among the basic premises of the Wool Products Labeling Act of 1939.

Those concepts hark back to the day when there were just about three major fibers—wool, silk, and cotton—when wool and silk were quite expensive and cotton was relatively quite cheap, and when the merit of any material was crudely judged by whether it had more wool and less cotton, or whether it had more silk and less cotton.

Now, ideas do die hard. A great technological revolution has occurred in textiles. But there is certainly no evidence of any recognition of this revolution in the labeling practices and requirements that presently prevail under the old Wool Labeling Act. And it is even more disappointing to find that in the legislative proposal on textiles and apparel labeling now before Congress, the basic principles are still throwbacks to the ancient concepts that have now been outmoded.

Telling the truth to the consumer on a label involves a far more difficult problem than the mere itemization of fiber components and their respective percentages. Even if we were to grant that in some cases these may have some significance, the fact is that today in a majority of instances such information is of no practical significance at all to the consumer. It is of no significance because:

First, the relative merits of different grades and qualities of the same fiber are sometimes more important than the difference in the relative value to the consumer of two distinct fibers. Yet, no distinction under a fiber identification bill would be made in the first instance, where distinction might be important; and a distinction would be mandatory in the second case, where it is relatively unimportant.

Second, a major vice of the proposed legislation is that it fails to recognize the important qualities imparted to textile material by the particular mode of fabrication or construction used. In fact, it is wrong in deemphasizing those other commonly more important aspects of textile products by giving such undue emphasis to fiber identification alone.

Third, fiber identification can have value only where the consumer has some knowledge of the properties and characteristics of each fiber. But with the great increase in the number of fibers in use, many of them being new, a mere reference to fiber ingredients can only add to the confusion and furnish little or no aid. Of what earthly value can it be to Mrs. Housewife to note labeled references to acrilan, orlon, nylon, vicara, dacron, darlan, verel, creslan, zefran, dynel, or other fibers created by modern textile chemistry? How much less can she be expected to know about the relative merits of different blends of these fibers or of these synthetics with the natural fibers? Yet this

is the kind of information which extension of fiber identification from the Wool Products Labeling Act to all other fibers would undertake to present the American public, at millions of dollars of expense to garment and textile firms throughout the country.

Fourth, there are no small number of instances in which fiber identification, coupled with percentages, may even be misleading. A small amount of nylon, when added to certain fabrics, imparts considerable strength—strength wholly disproportionate to its weight. A consumer would have to know more about textile science than can be expected of the common layman to recognize the significance of an addition of 10 percent nylon to another fiber or blend.

Again, for example, in the case of certain curtains, the effort is made to add considerable strength by a relatively small proportion of fortisan. The art of manufacture lies in adding great strength with a relatively small admixture of this ingredient. The fact that the amount thereof stands at 5 or 10 percent is likely to be wholly misleading to a layman in terms of its importance.

Fifth, textile science is coming increasingly to recognize the excellent results that can be achieved by blends of fibers. The variety of such combinations is virtually unlimited. What significance in terms of actual merits would a list of the components of various mixtures convey to the consumer? None. One of the unfortunate consequences of placing such emphasis on fiber identification is to support the false impression that any material which consists of 100 percent of anything is somehow superior because of the suffix "100 percent." Such legislation, if passed, can only prolong false notions of this kind.

The important point about the proper labeling of textiles is not in mere accuracy of information. The important thing is selectivity—that is, the selection of those representations that deserve chiefly to be noted. They will not always be the same in every case. They will depend upon the use to which the article is to be put.

We are talking here about an inconceivably great variety of goods. They serve a tremendous variety of purposes. The consumer is, of course, primarily interested in how well they will serve the particular need for which he or she bought it. In some cases the consumer's primary concern will be washability. In another it may fastness to sunlight. In another it may be elasticity and the capacity to recover its original dimensions. In another case it may be durability.

The point is that in the majority of instances it is the essential performance factor that the consumer is interested in having rated; not the fiber ingredients that have gone into the product.

It should be apparent to any legislator who has attempted to draft legislation of this kind how impossibly difficult it is to generalize about the most pertinent characteristics that a consumer should know about any of the immense varieties of articles that will fall subject to a labeling bill of the type he had proposed.

It must also be apparent that a bill that aims at truth in labeling, if it is to be of service to the consumer, must recognize at the outset that the amount of information that can be contained on a tag or label is extremely limited. The information to be contained thereon should be of the type most pertinent and essential to the consumer's wise purchasing and sound use.

We cannot attempt to say in every instance what the information should be. It will obviously not be the same for a man's cravat as for an infant's diaper. We in the textile and apparel industry will not—and neither will the Congress—be discharging our responsibilities to the public if we merely require a disclosure of fiber ingredients and say, "Let it go at that."

The effect of mandatory labeling of fiber ingredients, as in the case of the Smith bill, imposes an immense burden on garment manufacturers without serving the essential purposes that sound labeling should carry.

There is, of course, good reason why a bill such as this one will find great support among various fiber sponsors. It is naturally in the interests of cotton growers to emphasize the use of cotton. Manufacturers and sponsors of various synthetic fibers under special trade names are no less interested in the promotion of their products. It is obviously in the interests of such fiber groups to support legislation for fiber identification. It amounts to obtaining a free publicity ride at the expense of the garment manufacturers.

But it is obviously special legislation, and however much such supporters may speak solicitously of the consumer's interest, the axe which they are grinding for themselves is altogether too conspicuous. Legislation of this kind would be a publicity feast for the various fiber interests. It is the garment manufacturers who would be expected to pay the bill.

We fabric makers and apparel producers are in the position of fiber consumers. We are continuously subject to the promotional efforts of various fiber groups. Every fiber has its special valuable features. None is perfect. We stand in the position of the consumer in that we are constantly seeking—indeed, it is necessary for our business progress that we discover—the best fabrics and garments that we can turn out at a given price.

We are expert enough to know that we must not be fobbed off with mere fiber names. We know that consumer satisfaction depends on performance and not the promotional magic in the names of fibers, vegetable, animal, or synthetic. We know that it is performance that counts, and we know that it is the performance factors that the consumer is primarily interested in and that should primarily be made known.

We submit that it would be an expensive and serious mistake to saddle the garment manufacturer with a great expense for relatively little value to the consumer. On these grounds we feel that the Smith bill ought not to become law, and that study be made of the kind of labeling that would be the most beneficial to the consumer. To such a program we would devote our earnest and best efforts.

The groups represented in the joint committee, I would like to read that off quickly, are:

Affiliated Dress Manufacturers, Inc.
Apparel Industries of New England
Associated Corset & Brassiere Manufacturers, Inc.
Associated Men's Wear Retailers of New York, Inc.
Boys Apparel & Accessories Manufacturers Association
Corset & Brassiere Manufacturers Association
Infants' & Children's Coat Association, Inc.
International Association of Garment Manufacturers
Lingerie Manufacturers Association, Inc.

Men's Tie Foundation, Inc.

National Association of Blouse Manufacturers, Inc.

National Association of Shirt, Pajama & Sportswear Manufacturers

National Dress Manufacturers Association, Inc.

National Knitted Outerwear Association

National Outerwear & Sportswear Association, Inc.

National Retail Furniture Association

National Skirt & Sportswear Association, Inc.

Negligee Manufacturers Association, Inc.

Popular Priced Dress Manufacturers Group, Inc.

Southern Garment Manufacturers Association, Inc.

Textile Distributors Institute, Inc.

Textile Fabrics Association

Textile Section of the New York Board of Trade

The House Dress Institute

Trouser Institute of America

United Infants & Children's Wear Association, Inc.

United Popular Dress Manufacturers Association, Inc.

To these 27 groups submitted here comes one other one which is not mentioned in our testimony, which is the Handkerchief Industry Association, Inc., which asked us on Friday to be included in our group.

I would also like to add some brief remarks to the testimony I read a moment ago. In our testimony we only refer to H. R. 469. The same remarks cover, likewise, H. R. 5605 and H. R. 6524.

Frankly, we have not been familiar with the new legislation, H. R. 6524, but we have carefully studied H. R. 5605 and feel that the points it covers, for the same reasons stated in our brief, are objectionable to our industry.

I would like to add some additional points which I believe should be of interest to the committee to show how fiber-content legislation would be of no value to the American consumer.

The confusion of generic names of synthetics, when presented to the consumer, can be alarming. To refer to some as acrylics is relatively simple, but imagine giving the consumer the respective percentages of polyesters, polyacrylonitrile, nitrile alloy, polyvinyl chloride, tetrafluoroethylene, and polyvinylidene chloridedinitrile, not to mention aminonundecanoic acid fiber. Each of these is being presently offered under the trade names of Dacron, Acrilan, Zefran, Safran, Vicara, Teflon, Darlan, and Rislan.

In addition, there are types within each class. Among the acrylics, there is not only polyacrylonitrile, which is Acrilan and Orlon, but there is modified polyacrylonitrile, which is Verel; and vinyl chloride, which is Dynel.

In addition, there is not merely nylon, but different types of nylon. Ordinarily, nylon is polyamide, but Du Pont's and Chemstrand's are polyamide type 6. The consumer might like to know this, because Enka nylon is a polycapraamide type 66. And, of course, if Mrs. Housewife is given this information, she is supposed to be in a better position to act accordingly to exercise her free preferences.

How little distinction between fibers means to textile scientists is demonstrated by the standard tests which are recognized among textile technicians. Thus, the Textile Chemists & Colorists Annual Year-book publishes the following illustration test:

COLORFASTNESS TO ACIDS AND ALKALIS

Standard Test Method 652 AATCC

American Standard L-14.2-1956

PURPOSE AND SCOPE

Test specimens are evaluated for resistance to simulated action of acid fumes and sizes, alkaline sizes, alkaline cleaning agents, and alkaline street dirt. These methods of test are applicable to textiles made from all fibers in the form of yarn or fabrics, whether dyed, printed, or otherwise colored.

The tests for colorfastness to crocking or colorfastness to dry cleaning or accelerated wash-fastness tests are in the same terms. No reference is made whatever to fiber identification.

Not a word here, please note, concerning the type of fiber involved. Either the material meets the test, or it doesn't. That's the important point. And fiber identification is simply superfluous.

Some additional points we would like to throw out here: In our mind, the only reason why a bill of this broad scope should be made law is if there would be a positive finding of widespread deception of the consumer by the textile industry. To the best of our knowledge, there is no record of any survey or study having been made that would show such a conclusion.

The principal purpose of these bills, to our mind, apparently is to inform the consumer of the exact percentage of fiber content of any article, under the supposition that the consumer will be adequately informed thereby of exactly what he or she is purchasing and can make an intelligent choice. We think the assumption is utterly false.

It can be shown easily that designation of the fiber content of a garment without more, that has little to do or no bearing on any of its salient qualities such as shrinkage, colorfastness, wearability, and ironing qualities.

We can take 2 garments composed to 2 fibers in exactly the same proportion, and they show different properties, depending on the grade of yarn we use, the way we twist it, the manner of weaving the cloth, chemicals used, the manner of finishing, the manner in which it is sewn.

It can also be readily demonstrated that the consumers have no knowledge of how most of the newest synthetic fibers will perform; what, if any, are the differences between them; and in what respects the disclosures of the fiber contents per se will make the consumer more intelligent in purchasing any particular item of apparel. On the contrary, we can demonstrate conclusively it will cause confusion in the minds of the consumer.

Also, with respect to any representation of the Federal Trade Commission which it has made, we frankly today do not see where there would be a staff available to handle the task which the Trade Commission would have to handle under the new law unless its budget would be substantially increased.

I would like to add also two other little pamphlets here to the testimony. I think they elaborate very well on the points we have made.

The National Cotton Council came out very recently with a pamphlet on new cottons. They cite here under the heading, "A New World of Cotton," minimum-care cottons, wrinkle-resistant cottons, durably crisp cottons, polished cottons, textured cottons, knitted cottons, and winter cottons, and the Cotton Council gives on all these seven classifications different definitions of what they are and different care types.

Every time, for instance take wrinkle-resistant cottons, general-care types, they say:

Hand or machine wash in mild suds and warm water is sufficient to make wrinkle-resistant cotton completely fresh.

What they mean, if it is hand or machine washing in mild suds, to make it complete, if you wash them in hot water you ruin the fabric; "being sufficient," in other words, is a negative here. It means you have to use the proper way of handling this cotton, and different ways handling for different cottons treated differently.

In other words, the point I am trying to make is the quality imparted in a fabric today, being made of one fiber or blending of many fibers, is different and is not dependent necessarily on the fiber content involved. It would be impossible, in other words, to label a product "All Cotton" and have the consumer know exactly whether it should be laundered, dry-cleaned, at what heat it can be ironed, and it shows that modern technology has even made so many changes in our most basic fiber today that we in the industry very often have a problem to ascertain the standards by which we can properly handle these fibers.

To expect the consumer to get the proper direction by disclosure of fiber alone, to our mind, is impossible. And I think, if the members of the committee will read this pamphlet, it will illustrate the point in an excellent manner.

Another piece of information I would like to add is a statement made by Mr. Francis Simmons, of the American Viscose Corp., under the heading "What Does the Consumer Want in Textile Labeling?" And here I would like to quote just a few little sentences here. It is, I am sure, from the American Viscose Corp., extra copies are available. It is quoted from a speech he made at the Woodner in June 1956. He mentions here:

For example, a rayon crepe fabric might properly be labeled as rayon, all rayon, or 100 percent rayon, whether its construction was the usual 114-warp threads with 68 filling threads, or, for illustration, it was adulterated to 72-warp threads and 34 filling threads per inch.

In other words, we have two fabrics labeled identically rayon. One is properly constructed and one is improperly constructed.

Or he cites an example of all cotton, we can have a fabric of 80 square, or we can have a fabric of 40 square, 40 by 40. Both are all cotton, both are entirely different fabrics.

In other words, we in the textile industry know that a fabric is made up of many, many components. In order to serve a proper purpose it has to be made under proper care by a reputable manufacturer. It is made of, starts at the very moment your fiber goes into your mill, the speed with which your opening works, the speed of your carding, the type of spinning you have, the various drawing processes you use, how often you pull it through roving. It depends on what staple lengths of fiber you use; it depends on the construction of the cloth, the twist of the yarn; it depends upon the grading at the mill.

After it leaves the mill, it depends upon the finishing. You can have two identical fabrics, both of high quality made by high quality mills. One a converter finishes in a good finishing plant with a proper finish; one is finished in a poor finishing plant.

They both have the same fiber content and quality, but the finishing imparted to the fabric will alter it so much that the consumer having

it under the same tag and label will get values which cannot possibly be compared, and yet by fiber content identification labeling he would never know that these two fabrics are different.

We feel the reliance of the consumer is to buy a product which is backed by a reputable retailer and by a reputable manufacturer; that is the only assurance he does have. There is no assurance in the fiber content.

One or two more quick points I would like to make here.

I understand in previous testimony before this committee, Congressman Smith mentioned that the initial purpose of his bill was to secure a possible 8 to 10 million dollars in advertising for raw cotton. Now, frankly, I believe that this bill here should serve the purpose of protecting the consumer to get proper performance in the type of textile product he is buying. I don't think we can in our industry show favoritism to one fiber at the expense of another.

Also, he made the statement, I understand, that laundries and dry cleaners want fiber identification; the performance labeling is preferable but impractical.

I believe that a laundry, again, and a dry cleaner, will be much better served if they had identification as to the performance, what the ironing qualities are. By the fiber content, again, it is too confusing today. I don't think a dry cleaner would possibly know what to do with a fiber containing 25 percent dacron, 25 percent orlon, 10 percent acrilan, and 10 percent cotton. But if it says, "Do not iron over 300°," I think he would know what to do with it.

The American Farm Bureau Federation testified that cotton is in trouble, synthetic fibers have taken over, and labeling is one of the means of aiding cotton. And they feel there was no better chance—there was a better chance to pass H. R. 469 because it does not disturb the Wool Labeling Act.

Now again, frankly, I don't think it is the task of Congress to have labeling legislation to protect one part of the industry; and, gentlemen, I am very much for cotton, don't misunderstand me. Dan River Mills and its associates are the largest weavers of cotton goods in this country. We are very much for cotton. But we are for all fibers, and we all have to be.

We don't think we are going to preserve cotton by telling people this is an all-cotton fabric and promoting it that way. We have seen that 20 years ago the wool people thought they were helping their mills, the silk people tried it. It doesn't work that way.

I think the people are realistic enough to know that there is only one thing that will help it, and that is give the consumer a good product for a good price, and I think we in the industry should be the judge of what fiber makes up a good product.

Frankly, I could go on for a long time, I know. But we are pressed for time. I just want to cover the main points. And, gentlemen, if there are any questions, I would be happy to answer them.

Mr. Chairman and members of the committee, I am most grateful for the time accorded to us.

Mr. MACK. I understand you represent Mr. Korzenik as well.

Mr. BACHENHEIMER. That is right. He could not attend. He had a conflicting engagement. He tried to break it. He had to make a speech at Atlantic City today, and he couldn't make a change in his plans.

Mr. MACK. Thank you.

Does the committee have any questions?

Mr. MOSS. I have, Mr. Chairman.

I wonder if you could identify for us, and repeat the quote, the one attributed to Congressman Smith.

Mr. BACHENHEIMER. The one I have here is a summary, is not a quote, but it is a note which people attending the meetings have made, and it is not a quote. It is a summary. And it means here, to read what the summary says, which again is not a quote:

Representative Smith's testimony contained two rather frank admissions: One, that the initial purpose was to secure possibly 8 to 10 million annually in advertising for raw cotton. The other, that rayon blends brought the cotton fever to the boiling point.

Mr. MOSS. You have no quote?

Mr. BACHENHEIMER. I have no quote. It is just a summary.

Mr. MOSS. It is secondhand.

Mr. BACHENHEIMER. Secondhand; no quote.

Mr. MOSS. Hearsay.

Mr. BACHENHEIMER. Hearsay from someone who attended the hearings, but it was passed on to me secondhand, no quote.

Mr. MOSS. I believe Congressman Smith would regard it as a fable.

Mr. BACHENHEIMER. I have to take the Congressman's word. I was not present.

Mr. MOSS. What, in the present law, would prohibit the manufacturer from judging what fiber makes a good product?

Mr. BACHENHEIMER. It doesn't, Mr. MOSS. The problem we are faced with today is that we are in an entirely new area.

Mr. MOSS. Just one more question, because we are very limited on time. There is nothing, then, that would prohibit the manufacturer from determining in his own judgment the mixture which best suited his needs?

Mr. BACHENHEIMER. No.

Mr. MOSS. So that the statement is without substance when you say that right should be maintained and it is maintained.

Mr. BACHENHEIMER. But the law, Mr. MOSS, does not cover the manufacturer. The law is to protect the consumer, and we believe by confusing the consumer we are not protecting him.

Mr. MOSS. You should have the right to determine whether you are going to have 5 percent rayon or 5 percent nylon or 10 percent dacron: whatever you want, you still can use it. All you have to do now is to tell the consumer the percentage of the mixture; isn't that correct?

Mr. BACHENHEIMER. That is correct; but, by telling the consumer, we are not necessarily telling him anything. That is my point.

Mr. MOSS. What you are doing is avoiding the possibility that you might buy a dacron shirt which contains maybe only 5 or 10 percent dacron.

Mr. BACHENHEIMER. Let me put it this way: Today I would say the great majority of textile products manufactured in this country are manufactured by reputable manufacturers.

Mr. MOSS. We will concede that.

Mr. BACHENHEIMER. And none of us—

Mr. MOSS. It is not the majority we are dealing with.

Mr. BACHENHEIMER. None of us is in the industry to make gimmick fabrics. I am the manager of the filaments and synthetics division,

which is one of the largest in the country. Any time a manufacturer walks up to us and wants a gimmick fabric, we say we are not lending our name for anything that does not perform; and when I speak for myself, I am sure the great majority of the American mills today will not be party to any gimmicks.

Mr. MOSS. I have conceded the point that the majority are reputable and, therefore, they should not be victimized by the minority who, in my judgment, are not reputable.

Do you know, when you purchase a fabric, the content of it? Do you determine the make-up of the fabric in advance before you use it in a product?

Mr. BACHENHEIMER. It is impossible for any of us, by hand, by feel, to determine the content.

Mr. MOSS. I say, do you determine? Not how do you determine, but do you determine?

Mr. BACHENHEIMER. I determine performance. In other words, I cannot possibly tell you today if I go in a store and buy a summer suit——

Mr. MOSS. I did not ask you that. I asked you if, in the selecting of a fabric——

Mr. BACHENHEIMER. Yes.

Mr. MOSS. For purposes of manufacturing an item to be sold, do you determine and do most of those who belong to these associations determine the makeup of the fiber content of that fabric?

Mr. BACHENHEIMER. We have to. We manufacture it.

I mean, we are the ones who manufacture the fabric. That means we blend the fibers in there.

Mr. MOSS. You select the fabric which you think will do the best possible job?

Mr. BACHENHEIMER. The best job for the purpose.

Mr. MOSS. Then the minimum information requested for the consumer——

Mr. BACHENHEIMER. The information is given fully, the mill will give the information fully to its customer, but we feel——

Mr. MOSS. I think that is most admirable.

Mr. BACHENHEIMER. The customer gets adequate information from us, but we feel that he has to have it, because it is important to the American converter to know how to dye his fabric, it is important for the manufacturer to know what trimmings to use.

Mr. MOSS. It is very important that my wife knows how to wash it.

Mr. BACHENHEIMER. But it is unimportant to the consumer, because he cannot judge which blend will give him what. The consumer should know what it will do for him.

Mr. MOSS. I could not disagree with you more strongly. I find the average housewife, reading the many magazines available to her, has a surprising amount of knowledge about the fabrics she buys, if she is able to determine, in part at least, the content of those fabrics.

Mr. BACHENHEIMER. You see, Mr. MOSS, we in the industry are as much interested in all this as you are and, as I mentioned before, I personally am as much interested in cotton as in synthetics. But all we are interested in is, if we have a law, it should be a law which helps us, helps the consumer, a law that does make sense and adds in-

formation which is pertinent. And I think that the present laws we have under consideration are not doing that.

I think possibly, we have had recently various talks with the National Retail Dry Goods Association, they are coming around to seeing some of our points, and I think it possibly could be worked out if the various interests do get together and promulgate the draft of legislation which would serve the purpose.

But at this particular moment, the bills we have in front of us are not doing that. They are adding a burden, an expensive burden, to the manufacturer without giving the consumer anything in return.

We don't mind taking the burden if the consumer gets the benefit, and believe me, the consumer does not get a benefit by being told only about the fiber content. We are all for anything which will promote honesty in trade and give the consumer more satisfaction and protection against poor garments, because from our point of view, frankly, a customer who once buys a textile product that is poor is a burned customer. We want a happy customer. But we don't make a customer happy by buying a fiber blend. That is the last thing that is important to him.

Let me just add one little item. We have acrylics today, we have 7 different types of them, and I just got through experimenting with 2 of them. If they were labeled in generic terms as acrylics, the consumer who bought, for instance, 1 acrylic and found satisfactory performance, will expect the same from the next acrylic, and we in our plant just made the blend under the same conditions of the 2 different acrylics, but the performance was entirely different. One performed satisfactorily and one we never would put on the market.

It is impossible. The generic terms would be meaningless; take "Fortisan." The generic term for Fortisan is saponified acetate." It has nothing to do with acetate. But the consumer who would read the label "saponified acetate," would be very confused, he would not know how to treat it. That it cannot be laundered with hot water because acetate is involved is not true. It is with a chemical process applied that has changed the qualification of the chemicals in there, and it is an entirely new fiber, but the label would say "saponified acetate."

Mr. AVERY. Mr. Chairman, just two very brief questions.

This Joint Committee on Labeling of Textiles and Apparel, what is the history of this committee?

Mr. BACHENHEIMER. The history of this committee, sir, is that when, last year, various bills were introduced in Congress—

Mr. AVERY. That is 1956?

Mr. BACHENHEIMER. 1956, that is right, the last Congress—indicating fiber content labeling, a number of us started studying these bills and realized these bills were unworkable and meaningless in the field of textile manufacturing, in the field of textile converting, and in the field of textile finishing, and we therefore got a group of interested associations together which met at numerous occasions, and after a careful studying, felt that they had to oppose legislation which would not serve a constructive purpose, but would only add to the confusion the consumer has today in buying textile products.

And I would like to add to it that our committee would be most happy to cooperate with groups like the National Retail Dry Goods

Association, with consumer groups, and I think the consumer should come into this picture, to promulgate legislation that will mean something to the consumer.

But one thing we have not done in this, we have not brought the American consumer in here, the American housewife, and we ought to sit down with these people and get their views and see what they want to know.

You see, unfortunately, several fiber interests thought that by getting their name mentioned more often, they may sell more of that fiber. I don't think that is the case, and I don't think in the long run we are going to gain anything.

I would like to do something that would promote textiles for the entire industry and promote honesty in advertising representation.

Mr. AVERY. I am not quite sure. As I understood you, sir, did you say you had some textile manufacturers in your joint committee?

Mr. BACHENHEIMER. The textile section of the New York Board of Trade counts among its members the great majority of the New York selling houses of the southern mills.

Mr. AVERY. I think it is important we make the distinction whether you have textile manufacturers or garment manufacturers.

Mr. BACHENHEIMER. No, we have textile manufacturers. The textile section of the New York Board of Trade has the great majority of the American mills as its members. If you want me to cite some of them, Burlington Mills, Lowenstein—

Mr. AVERY. That will not be necessary. That seems to be kind of a nebulous connection to your committee, though. If you see the point I am trying to make, just reading the inventory of your membership it would appear to me, except for that one category, which is by indication, that your membership is made up entirely of the garment manufacturing industry rather than textile industry.

Mr. BACHENHEIMER. No. No. 1, we have just about the great majority of the entire garment industry. You have in 2 associations, the Textile Fabrics Association and the Textile Distributors Institute are the 2 representing the converting trade. The Textile Fabrics Association represents the cotton converters, and the Textile Institute represents the only retail association with the textile converters, so you have the entire converting trade in there.

There are several retail groups in there, as you can see, and a great majority of mills are represented through the textile section of the New York Board of Trade. I understand that the American Cotton Manufacturers Institute has not taken a position either way on this, for reasons of their own, if that is what you are driving at.

Mr. AVERY. One more point. As your testimony boils down, it is a performance standard rather than a fiber content formula.

Mr. BACHENHEIMER. That is correct.

Mr. AVERY. Who would determine the desirability of goods, and you developed that point to the extent that a housewife or a potential purchaser might be misled just because of the fiber content that might be listed on a label.

Mr. BACHENHEIMER. That is right. You can take two products from the same fiber content and perform differently.

Mr. AVERY. If you are in agreement, let me continue here.

Just how did that housewife get that opinion? Has she not developed her favorable opinion toward a certain fabric because of per-

formance? You cannot sell a housewife just merely by running a lot of grandiose ads in the paper. It seems to me that that fiber content has been a big factor in developing that favorable impression on the housewife or the end consumer.

Mr. BACHENHEIMER. That would be true, sir, if you are dealing with products which have been here for a while, but we continuously have new fibers entering that field, and there is always a first time. Every housewife has to buy a new fiber for the first time.

Mr. AVERY. Let's go back and take dacron, for instance. That has been around 4 or 5 years in volume on the commercial market.

Mr. BACHENHEIMER. It has been developed 4 or 5 years; in volume, not more than 2 or 3 years in the men's suiting field; in the women's field, only about 1 year.

Mr. AVERY. We won't quarrel about the number of months, but I think we are all agreed that for wearing purposes, it is considered a desirable fabric. We will not go into the degree.

Mr. BACHENHEIMER. That is right.

Mr. AVERY. Why is it desirable? It is not because she has read those ads in the paper, but because she has used it and found it satisfactory.

The point I am interested in, there is a performance standard indicated to the housewife by her experience, not by complicated laboratory testing processes.

Mr. BACHENHEIMER. Let me add one thing: Let's take dacron here. Dacron—proper blends is most important in dacron and will give performance. In blends with cotton, it should be 65 percent, with rayon 55 percent. Now, you could have a fabric showing 55 percent dacron and 45 rayon, or 65 dacron and 35 percent cotton. However, it is also important for the performance—and this only the manufacturer knows, the weaver where the dacron is made. Now, you can put all the dacron in the warp, that is, the threads running lengthwise, and a smaller percentage in the filling. You would never show that in the labeling, and your performance would be changed, and this is being done.

We have fabrics in this market which are cotton one way and dacron the other way. They have the proper percentage, but not the proper performance. Now, the only one we can rely on to police this is the mill manufacturing the fabric. But the consumer will have the right percentage, but the fiber is not in intimate blend or it is only in the warp or only in the filling.

You see what I am driving at? In other words, this business is much more complicated than it seems on the surface.

Mr. AVERY. I will yield.

Mr. Moss. You will admit if it is 65 percent dacron and 35 percent cotton, that, usually, it is an excellent product?

Mr. BACHENHEIMER. Only if it is a proper blend, both the warp and filling.

Mr. Moss. Is there any saving to the weaver by putting it all in the—

Mr. BACHENHEIMER. Yes.

Mr. Moss. What amount of saving is it, a substantial saving?

Mr. BACHENHEIMER. You can bring out a much cheaper—it can use filament either in warp or filling, there can be a very substantial saving, and you can get for some purposes proper performance, and

others not. If you want to have pleat retention in the woman's garment in the filling, the filling is more important.

Mr. Moss. Has the housewife a better opportunity, if she sees a label saying 65 percent dacron and 35 percent cotton, to get good fabric than if she buys something that she thinks is dacron and cotton and maybe it is only, we will say, 40 percent dacron? Is she going to have as much of an opportunity of getting performance out of the fabric as she would if she bought that which was labeled 65-35?

Mr. BACHENHEIMER. It depends. If it is dacron and cotton alone, I would agree. If it is more than two blends, then it becomes more complicated.

Mr. Moss. Then her chance is improved by knowing the content of the fabric.

Mr. BACHENHEIMER. In the case of dacron and cotton, because dacron and cotton had a lot of advertising by Du Pont, Du Pont happens to be in position to do it. But there are many good fibers around which are good fibers promoted by companies like Union Carbide which have not the same acceptance because he doesn't have the same good public relations program.

Mr. Moss. You have answered my question. I yield back to Mr. Avery.

Mr. AVERY. I think it is a logical conclusion, then, on the basis of your response to Congressman Moss, that we are doing as much in an exact formula as we possibly can do by listing the fiber content, and then it would revert back onto the manufacturer to make his process or develop his process in such a way that the fabric would be the most durable for the end consumer.

Mr. BACHENHEIMER. What protection would the manufacturer have who does it right, against the one who makes a shortcut and puts dacron in only one way and the cotton the other way?

Mr. AVERY. I think the consumer has a very definite recourse, because if it does not come up to the reasonable performance, she takes is back to her retailer, who in turn will show the garment to the textile manufacturer, and he has probably lost a retail outlet.

Mr. BACHENHEIMER. But meanwhile, the housewife got sour on dacron and cotton, because she bought a garment of dacron and cotton which didn't perform.

Mr. AVERY. You will admit the housewife or end consumer would be in better position than without an identification at all.

Mr. BACHENHEIMER. You see, sir, a reputable manufacturer will today show the fiber content where we think it contributes something. If you had voluntary fiber content labeling legislation, I am sure the manufacturer would show it where it does perform, and the housewife would know where it isn't shown there is a reason why it isn't shown, that is all she is getting.

But I think compulsory legislation is not serving the purpose.

Mr. AVERY. Well, that is a matter of opinion.

Mr. BACHENHEIMER. That is my opinion, or it is the opinion of our group.

Mr. AVERY. Thank you.

That is all, Mr. Chairman.

Mr. MACK. You have mentioned the performance standard. You are not suggesting, I presume, that this performance standard should be substituted for the labeling procedures employed in the two bills?

Mr. BACHENHEIMER. Mr. Chairman, we have discussed this, and I cannot quote the opinion of the committee on this right now, but I would say if we could come up with acceptable performance standards, that we would definitely prefer legislation which would have some truth in labeling, truth in advertising, teeth in it when it comes to colorfastness, ironing and washability, and so forth, and then we are giving something to the consumer.

I think it is much more important than fiber content.

Mr. MACK. You have not arrived at any performance standard at the present time?

Mr. BACHENHEIMER. We have not arrived at any performance standards yet. We would be willing to work toward a goal, because then I think we are talking constructively about consumer protection.

Mr. MACK. Thank you very much.

Mr. BACHENHEIMER. Thank you very much, Mr. Chairman and gentlemen of the committee.

Mr. MACK. Mr. Edwin Wilkinson, of the National Association of Wool Manufacturers. Is Mr. Wilkinson here?

You may proceed Mr. Wilkinson.

STATEMENT OF EDWIN WILKINSON, EXECUTIVE VICE PRESIDENT, NATIONAL ASSOCIATION OF WOOL MANUFACTURERS

Mr. WILKINSON. My name is Edwin Wilkinson. My address is 386 Fourth Avenue, New York 16, N. Y. I serve the National Association of Wool Manufacturers in the capacity of executive vice president.

This association represents substantially more than a majority of of wool and other fibers, on the woolen and worsted systems, measured the manufacturers in the United States producing textile products in terms of employment, production or sales.

In the course of my testimony, I shall, no doubt, make many references to the Wool Products Labeling Act. I recognize that this hearing is not on the Wool Products Labeling Act, so I would initially stress the reason for these references, particularly in view of the fact that I am here neither to support nor to oppose any particular piece of legislation now before you.

Rather, I am here in support of a principle of labeling we hold to be of high importance, not only to our customers and ourselves, but to textile and apparel manufacturers and their customers, retailers and their customers, in general.

Broadly, our first principle is that such legislation as Congress may deem necessary and desirable in this area should be drafted in the consumer interest as opposed to considerations tending to give one fiber, or certain fibers, competitive advantage over other fibers. Stated in the vernacular, after careful conclusions as to what actually is in the consumer interest, we believe the same "ground rules" should be made to apply to all subject textiles regardless of fiber content. In other words, there is a crying need for codification.

Today there is 1 law, the Wool Products Labeling Act; 3 FTC Trade Practice Conference rules for fibers; 5 FTC Trade Practice Conference rules for yarns and certain fabrics; 4 FTC Trade Practice Con-

ference rules for apparel items; and 2 FTC Trade Practice Conference rules for textile processing industries. These are cataloged in exhibit A attached. All the foregoing deal in one way or another, mostly another, with fiber identification.

(The document referred to is as follows:)

EXHIBIT A

LAW AND REGULATIONS RELATING TO FIBER IDENTIFICATION IN TEXTILES AND APPAREL

- (a) The Wool Products Labeling Act of 1939
- (b) FTC Trade Practice Conference rules for :
 - I. The silk industry
 - II. The rayon and acetate industry
 - III. The linen industry
- (c) FTC Trade Practice Conference rules for :
 - I. The upholstery and drapery fabrics industry
 - II. The tie fabrics industry
 - III. The hand-knitting yarn industry
 - IV. The narrow fabrics industry
 - V. The ribbon industry
- (d) FTC Trade Practice Conference rules for :
 - I. The infants' and childrens' knitted outerwear industry
 - II. The knitted outerwear industry
 - III. The housedress and wash frock industry
 - IV. The popular-price dress manufacturing industry
- (e) FTC Trade Practice Conference rules for :
 - I. The cotton converting industry
 - II. The rayon, nylon, and silk converting industry

All the above relate to fibers, textiles made of fibers, apparel made of textiles, or the processing of textiles. All deal in one way or another (mostly another) with fiber identification.

Mr. WILKINSON. Our customers, our customers' customers, and consumers in general, are not "Philadelphia lawyers." The differences and anomalies that exist in the various requirements in consequence of this plethora of law, rules and regulations create confusion among consumers, confusion in trade and industry, and confusion even in the administering agency—except in such instances where, from frustration or other causes, they have atrophied from disuse.

We believe with this manifestation of a revived and activated interest by the Congress in the area of textile labeling in general, and fiber identification in particular, you have an opportunity to do a great service to the purchasing public and the trades and industries serving its textile and apparel needs.

The problems and pressures confronting you in pursuit of this purpose are many, heavy, and complex. In closing the International Conference on Fabric Quality and Informative Labeling at Göteborg, Sweden, in October of last year, Professor Balella said the:

* * * textile labeling problem, considered in the national point of view or in that of a limited textile branch, is sometimes inclined to receive hasty or incomplete solutions under the influence either of commercial interferences or politic(al).

We sincerely hope this reborn interest of the Congress is not to die and be buried under such an epitaph. However, if this effort is to avoid this fate, painstaking and time-consuming inquiry will be required. Cold, objective inquiry after the truth is essential to clear the confusing record of fact, fancy, and wishful thinking that has unfolded. This type of record is not peculiar to the United States

on the matter of textile labeling or fiber identification as a study of the Göteborg papers, which I recommend to you, would quickly reveal. It is international in character.

In support thereof, I submit a few excerpts, germane to your purpose here, from papers read at this International Conference:

(a) M. Ringeissen, France, after reciting certain more recent developments in fiber and manufacturing technology, said:

All these reasons militate in favor of a simple "labeling" which would enable launderers and dry cleaners to determine exactly what treatment they are supposed to apply * * *

The launderer or dry cleaner is unable to identify the various fibers making up a textile article. We are no longer in the days when fabrics could be classified with accuracy into various categories simply by visual examination or handling.

I have interposed a note there: It is my assumption that the writer is speaking here only of categories of wool, cotton, rayon and silk materials, etc., rather than the reprocessed or reused categories which might be applied to any fiber and thus pose an insuperable problem. This assumption seems supported by what follows.

Some of the blends that are to be found nowadays are so complicated that even for experienced technicians of the textile branch, availing themselves of a laboratory, they set identification problems which at times require several days with special and complicated equipment, to be solved.

(b) Dr. F. Ziersch, Germany, in extolling the development and growing use of a "quality" mark in his country—the "H mark"—asserts this mark, "Hochveredlung" meaning faultless, compensates for the consumer's inability to recognize quality. Then he says:

Whenever a fabric is marked with a quality label, the customer can be sure that the fabric meets the minimum requirements determined by the association for each end use.

And I have underscored "minimum requirements."

(c) H. Willny, Sweden, in direct contrast to Dr. Ziersch on minimum standards, has this to say:

In the working out of standards for information on the labels the committee follows the basic principle that they shall be based on objective standardized methods of verification that realistically measure the different goods from the point of view of their most essential use properties.

Again I underscore "objective, standardized methods of verification that realistically measure."

* * * we think that a general quality marking with some form of "approval" of the merchandise that fulfills certain minimum requirements is less desirable.

Producers who make goods of extra high quality may find it advantageous to let the quality drop down toward * * * the minimum requirement * * *.

There is even a danger that the experimental and research work * * * might not be carried on so intensively * * *.

Elsewhere:

* * * informative labeling in Sweden is based on voluntary cooperation among the parties concerned.

The value of the fiber-composition report as a guide for consumers is open to discussion. Giving the kind and percentage contained does not afford a sufficiently solid basis for a judgment of the fabric's or the garment's properties. Aside from the fact that there are many qualities of the different kinds of fibers—each of which can show a considerable range of variation—the final quality is determined by the preparation and handling of the yarn, its fineness, etc., the construction of the cloth and finishing, and many other factors.

(d) Miss E. Limperg, Netherlands, bolstering her advocacy of a "care code," cites the plea of Miss L. Corbeau, research engineer of the Fibre Institute at Delft:

No composition labeling, because it is not of direct use to the consumer * * *. For this reason Miss Corbeau pleads for labeling to give indication of the care required * * *.

(e) P. T. Cappelen, Norway, expressing a consumer viewpoint—Consumers Council and Committee on Informative Labeling:

* * * the consumers' demand for reliable information as to the quality and best use of textiles is entirely justified.

A uniform system of reliable information on goods, on a voluntary basis, would make it much easier for the consumer to judge an article before making a purchase.

I underscore there "uniform system."

It has not been possible to meet the desire expressed by consumers, i. e., to give direct information about the resistance against wear of an article, as it has so far proved difficult to find objective tests for this quality.

It is both necessary and reasonable that we, the consumers, make demands on the manufacturers. But behind these are demands we must make on ourselves in our capacity of purchasers.

I underscore "are demands we must make on ourselves."

(f) J. A. Dixon, Canada, gave an interesting review of labeling developments in his country which may be of particular interest to this committee in view of the broad interest here in their system. Among other things, he said:

The Canadian Association of Consumers was anxious to have mandatory fiber labeling by percentage established as the law; a restraint, which in my view was wise, was shown by those concerned in drafting the rules which are in effect as a means of eliminating misrepresentation only.

The one important thing is that it has become illegal to lie about what a cloth is made of; however, so much remains to be done to tell the consumer what a cloth, or even more important, what a garment is good for and how it should be handled.

* * * a lot of thought is now being given to performance labeling but it is a complex subject and systems and standards with a uniform method of presentation will require much detailed study before any sort of comprehensive plan, embracing several textile fields, can be set up.

I underscore "a uniform method of presentation."

* * * fiber identification of itself, offer(s) little, if anything, of value to the consumer.

We should not stress percentage fiber identification in textile materials nor should we be too concerned with fiber identification in seniority order. However, if there is any fiber identification, it must be accurate, if not by percentage, then by seniority order.

I underscore "it must be accurate."

If one principle stood out above all others at this International Conference on Fabric Quality and Informative Labeling, it was information leading to the proper care of textiles and apparel would be the greatest boon to the consumer. On this the attending experts were in practically complete accord, based on the many papers I have read.

It is against this background of 16 years—not 17, the Wool Products Labeling Act did not become effective until 1941, gentlemen—16 years of intimate and mixed experience under the Wool Products Labeling Act and the multitudinous trade practice rules pertinent to the proposals before you that we would urge codification.

In any attempt to achieve codification to attain honest labeling, we further urge:

1. Avoidance of requirements that would needlessly impede, inhibit the sale of or unnecessarily increase the cost of merchandising textiles and apparel. Manufacturers of these products have already lost too great a portion of the consumer market.

2. We would urge avoidance of distinctions that are not determinable upon analysis or testing of the product or article itself.

On this second point I would call to your attention the statement of one of the Government witnesses who said:

* * * this particular type of legislation * * * is practically worthless simply as another statute on the books; unless it is policed it will be forgotten in short order.

From that it must follow that such legislation, if it cannot be policed, is worthless. Let us not continue to swell the cost of Government by enacting worthless legislation.

We urge you to proceed in caution and wisdom in the development of a comprehensive and nondiscriminatory code for all subject textiles, regardless of fiber content; a code which will be based on straightforward, objective, and provable facts of aid to the consumer; one that will not increase the competitive disadvantage of the American producers of textiles and apparel manufacturers in relation to their foreign counterparts.

In this undertaking I believe I can assure you we stand prepared to carry out such reasonable tests as may seem desirable to clarify any contentious or doubtful points that may be vexing to this committee.

As a start, I would welcome the opportunity to try to answer any questions this statement may raise.

Mr. MACK. Mr. Moss?

Mr. Avery, any questions?

Mr. AVERY. I believe not, Mr. Chairman.

Mr. MACK. I want to ask about your statement on page 6 concerning the American producers and foreign manufacturers. Is that based on increased costs because of labeling? Is that what you have reference to?

Mr. WILKINSON. The advantage to the foreign manufacturer? No, sir. That is based on distinctions required in the labeling which may be required by labeling regulations which are not subject to determination by examination of the particular products, and, therefore, completely unenforceable against the foreign counterpart.

For example, I would point to a feature of the Smith bill, H. R. 469, which contains a fault to which I believe Professor Ballel was alluding when he said the textile labeling problem is sometimes inclined to receive hasty or incomplete solutions under the influence of commercial interference. I refer to section 4 (b) (4). It says, in essence, a textile fiber product, whether in its original state or contained in other textile fiber products, is misbranded if its identification does not give the country of origin.

Before proceeding to criticize that section, may I be assured that the definition of textile fiber product still stands as in the January 3 print. Is that a fair assumption, Mr. Chairman?

Mr. MACK. Well, that is not your statement?

Mr. WILKINSON. I am raising the question as to whether in H. R. 469, the definition of textile fiber product still stands as it appeared in the January 3 print. For example, I can do it another way, sir.

Mr. MACK. We are speaking of the same bill.

Mr. WILKINSON. Well, I am addressing myself to a specific definition in the bill.

Mr. MACK. Well, I do not think you are answering my question at all. I think that you are raising a question concerning the legislation.

Mr. WILKINSON. And its enforceability which cannot be applied to the foreign manufacturers.

Mr. MACK. I think you are correct, for that matter; but it is a matter of the interpretation of the legislation itself in this particular bill, and it is a personal opinion. I do not think that you could enforce the labeling of the contents if it is imported.

Mr. WILKINSON. The particular feature that you cannot enforce in this measure that I am alluding to is as to whether the textile fiber product or its components are of—that you give the country of origin.

Now, you cannot possibly determine from a textile product, you cannot determine from a piece of goods, that the yarn is spun in country X, Y, or Z. Further than that, you cannot determine in what country the natural fiber comprising that yarn was grown. Yet this Federal law states that with respect to textile fiber products you shall give on the labeling or other means of identification the country of origin of that textile fiber product or any of the textile fiber products comprising it. And in the law textile fiber products are so defined as to include fiber, yarn, fabric.

Further, the country of origin, as presently in the law, as the present law is administered and understood, is not as implied here.

For example, a cotton fabric woven in Japan of yarns spun in China, printed or otherwise finished in England, and shipped here, would be classified as a British import. Not only is the purport of H. R. 469 to have the country of origin of fiber yarn of fabric revealed on the label or other identification, but if in advertising any reference is made to the fiber content, this impossible obligation carries through by virtue of section 4 (c).

How and who is to determine the manufacturer's name of a cotton fiber or any other natural fiber? Yet this law says that a textile fiber, finished or unfinished, is a textile fiber product which, when incorporated in another textile fiber product, must be revealed by name, by percentage, and country of origin.

Of what interest is it to me, as a consumer, to be told that a certain fabric is made up—gentlemen, I won't bother to list all of the items that would have to appear in advertising of a product made of various materials from various parts of the world. They would have to be given, the name of the manufacturer would be required to be given, and its percentage content. It is an impossible situation, and there is no way that the accuracy of the labeling of imports or the advertising of imports could be checked for accuracy.

I can think of nothing better calculated to discourage billions of dollars of retail advertising of apparel and textile items that otherwise would normally be spent, if this provision would become law. If this is consumer protection, if this is textile or fiber promotion, then I don't know what those terms mean. I am at a loss to under-

stand how any fiber producers, any yarn spinner, weaver, felter or finisher, could support such a proposal as we find in section 4 (b) (4).

Further, I cannot understand how any Government agency could infer or imply it could enforce this or that it would be in the consumer's interest to try.

Mr. MACK. At the risk of getting a rather involved answer, I would like to ask you, is it possible to distinguish between reprocessed and reused wool when it is imported in this country, without having the information as to the contents from the manufacturer?

Mr. WILKINSON. For the purpose of my testimony, may I speak in two areas of enforcement on this?

Mr. MACK. Well, you have mentioned, I think, that you have gotten into this area concerning the imports from foreign countries, and I thought that—

Mr. WILKINSON. I should not like to limit this to foreign countries. I will say categorically, sir, if we are to speak in terms of probability, generally accepted in scientific circles, that is that the methods applied for the determination yield reproducible results, within reasonable limits, the determination quantitatively and qualitatively of wool as against virgin, reprocessed or reused wool, is impossible.

Mr. MACK. Then I presume that it would be impossible to determine whether the imported wool would be reprocessed or reused wool. I raise this question because I had understood that some of the reprocessed wools are exported and imported to this country purely as wool.

Mr. WILKINSON. I don't think it is any coincidence, sir, that our exports of rags to Italy have soared at the same time that Italy's exports of so-called all wool flannels to this country have also substantially increased. There is no way that I can prove that, for the simple reason that there is no way that anyone can prove the quantitative presence of wool or reprocessed wool in a product.

Mr. MACK. Without having access to the manufacturing facilities?

Mr. WILKINSON. With or without.

Mr. MACK. Without having access to the manufacturing facilities' records?

Mr. WILKINSON. If the differences cannot be scientifically determined, I raise the question to you, sir, how can the manufacturer's records be checked?

Mr. MACK. Well, the record, of course, would have the amount of reprocessed wool purchased by that particular establishment.

Mr. WILKINSON. That is only subject to the assumption that the stock—that you can verify those records; and if you can't by quantitative or qualitative analysis make that determination, how can you verify the records?

Mr. MACK. Well, in the case of the imports, we would not have access.

Mr. WILKINSON. You don't even have the records, correct, sir.

Mr. MACK. Mr. Moss, do you have a question?

Mr. Moss. I have just one question.

As I recall, your statement was that "I am here neither to support nor to oppose."

Mr. WILKINSON. That is right.

Mr. Moss. I am persuaded that you are here to oppose the legislation presently before us, and would urge upon us a different type of legislation than that presently being considered. Is that a correct statement?

Mr. WILKINSON. Mr. Moss, my statement was that I am here neither in support nor in opposition to any particular piece of legislation now before you. I am here in support of a principle, which principle I have delineated.

Mr. Moss. Which principle would lead you to urge the defeat of the legislation presently before us?

Mr. WILKINSON. I have appeared in support of the principle that labeling legislation and regulation and rules stand in crying need of codification, and I have advanced two bases for consideration in that codification.

Mr. Moss. Then you do not support, nor would you urge, enactment of the 2 or 3 bills presently before the committee?

Mr. WILKINSON. I would not urge the support of any legislation that sets up standards which are not subject to verification or enforcement.

Mr. Moss. Of course, you are now injecting purely an opinion. You don't know that they are not subject to enforcement.

Mr. WILKINSON. Well, I think we know certain areas where enforcement is impossible.

Mr. Moss. Oh, no. We can cut off the imports if we have to.

Mr. WILKINSON. Sir?

Mr. Moss. We could cut off the imports if we had to. You are saying enforcement is impossible. It may be difficult, but there is nothing really that is impossible.

Mr. WILKINSON. I must agree to that, nothing apparently is impossible; and if it is your purpose to cut off imports, I am going to be the last one to quarrel with you.

Mr. Moss. I merely raise the point as to means whereby you achieve enforcement. I am not stating as to whether I would favor such a course, but I was just trying to categorize your statements, and it seemed to me that the weight of them was in opposition to the legislation we have before us.

Mr. WILKINSON. Possibly it could be so construed, sir.

Mr. MACK. Mr. Wilkinson, do you represent the Wool Manufacturers Association?

Mr. WILKINSON. The National Association of Wool Manufacturers.

Mr. MACK. And that is the only organization you represent?

Mr. WILKINSON. Yes, sir.

Mr. MACK. And are your people, your members, somewhat divided on this legislation?

Mr. WILKINSON. There will be differences of opinion on this legislation in any area which you discuss it, in my judgment. The answer to your question necessarily is "Yes."

Mr. MACK. You have not reached an agreement on supporting or opposing—

Mr. WILKINSON. Yes; we have reached the agreement, and I have stated the area of agreement, that there is a need for codification, codification that will make all textile fibers subject to the same ground rules. I think that is a very broad area of agreement.

Mr. MACK. You have not reached any agreement——

Mr. WILKINSON. As to the specifics.

Mr. MACK. As to opposition or support of this legislation?

Mr. WILKINSON. No, sir; not as to the specifics.

Mr. AVERY. Mr. Chairman.

Mr. MACK. Mr. Avery?

Mr. AVERY. I would like to inject here: Are you saying, Mr. Wilkinson, if I interpret your remarks right, you are even opposing in principle certain amendments made to the Wool Labeling Act? Is that what you are saying?

Mr. WILKINSON. In the comprehension of my declaration, or I mean in the area of my declaration is the principle that unenforceable provisions should not be made law?

Mr. AVERY. Well, are you saying some unenforceable provisions have been made law?

Mr. WILKINSON. I have been asked if a phase of the Wool Products Labeling Act is unenforceable, and my reply to that is, "It is."

Mr. AVERY. That is all, Mr. Chairman.

Mr. MACK. Thank you very much for your testimony.

Mr. WILKINSON. Thank you, sir.

Mr. MACK. I have a request from Mr. Joseph Miller to submit his statement. Mr. Miller is here, I believe, if you would care to have your statement included at this point in the record.

Mr. MILLER. Thank you very much, sir.

Mr. MACK. We will be very happy to hear your oral testimony if you want to limit it to 1 or 2 minutes.

Mr. MILLER. Thank you, sir. I am sure that the committee will read this with care, and we will just stand on our statement.

Mr. MACK. Thank you very much, Mr. Miller.

(Mr. Miller's prepared statement is as follows:)

STATEMENT OF THE WOOL MANUFACTURERS COUNCIL, NORTHERN TEXTILE
ASSOCIATION ON PROPOSED TEXTILE LABELING LEGISLATION

The Wool Manufacturers Council of the Northern Textile Association is an organization composed of manufacturers of woollens and worsteds located in the New England area. It is an autonomous part of the Northern Textile Association which is composed of textile manufacturers likewise located in the New England area.

Among the legislative proposals for the labeling of textiles under consideration by this committee are three bills: H. R. 469 known as the Smith bill; H. R. 5605 known as the Mack bill, or the omnibus bill; and H. R. 6524 substantially the same bill as H. R. 5605.

The wool council takes no position relative to the wisdom of requiring labeling of cotton or manmade fiber textile products. Industry spokesmen for these branches can best express their own opinions in these respects. The advantages and/or disadvantages of wool products labeling are not such as to compel us to volunteer advice on labeling to our colleagues in cottons and synthetics. As the Smith bill does not cover labeling of woolen products it is, therefore, not a matter of concern to us.

The Mack bill would, however, substitute for the Wool Products Labeling Act of 1939 a different system of labeling of wool products and for that reason we should like to submit for the committee's consideration our observations on the matter of wool products labeling.

Although there is general agreement that labeling of the percentages of wool and nonwool fiber in a product is useful and enforceable, there is no unanimity of opinion as to the wisdom of requiring a distinction between "wool," "reprocessed wool," and "reused wool." Some manufacturers of "all wool" products favor maintaining these distinctions, whereas other woolen manufacturers tend to feel that these requirements are harmful.

There is a general belief among our manufacturers that the present act¹ is incapable of practical enforcement because:

(a) Although it establishes, in effect, 4 categories² of wool textiles, scientific testing procedures can reliably distinguish only 2—new wool and garnetted wool. In a mixed fiber sample of fabric or yarn, specific analysis is totally unable to approximate with accuracy percentage variations of reprocessed, or reused wool, and only quite roughly variations of new wool, in the total mix. Accordingly testing procedures are not available to enforce the act as written.

(b) The records provision of the act does not correct the deficiency of available tests; rather, it serves to camouflage the deficiency, giving a false sense of security. The inspection of records provided by the act does not necessarily disclose the true content of wool products. There is too much opportunity for either deliberate or inadvertent violation of the act. The record-keeping requirements of the act contain two gaps too large to be classified as loopholes. First, the act and the FTC rules refer only to a "manufacturer" of wool products. This provision omits the dealer who does no manufacturing but merely sells fiber or stock to a manufacturer. The latter's invoice and shipping records will reveal only what the dealer calls the material. It would appear uncontestable that this situation penalizes the honest operators and is an obvious source of dissatisfaction. Secondly, in the case of imported woolen products, which constitute a large and growing source of competition in many types of woollens, inspection of foreign-mill records does not exist, even theoretically. Consequently, there is not even the remote possibility of enforcement against foreign manufacturers, and the act amounts to another governmental discrimination against domestic mills.

All agree that legislation with clearly enforceable limits would be preferable to legislation that is dependent very largely upon varying individual standards of compliance. Undefinable or vague obligations, not capable of rigid enforcement under the act, are worse than having no act at all.

Relatively small differences of opinion on matters of labeling must, however, be submerged in the interests of improving the general position of the woolen industry. During the past 10 years, over 200 wool-textile mills have closed, an estimated 100,000 wage earners have lost their jobs permanently, and output of wool textiles is less than half of that formerly produced. It is, therefore, vital to all connected with the industry, including the grower, the stockholder, and the worker in the mills, to improve the general overall position of the industry and to scrutinize and abolish anything which damages the industry.

The use of the terms "reprocessed" and "reused" unnecessarily stigmatizes good fabrics, leads to reduced sales and the diversion of the part of the market to synthetic and other fabrics with glamorous names. This is contrary to the best interests of the entire wool industry, and, therefore, should not be continued.

Under these circumstances, we respectfully submit that careful consideration be given to the following proposal to improve wool-products labeling and its enforcement.

That the terms "reprocessed" and "reused" be no longer applied to any wool product, and that the fibers of wool in the product be designated by only two classes; namely:

(a) "Virgin or new wool,"³ or

(b) "Wool."

The definition of "virgin or new wool" to be the same as that provided for in rule 20 of the FTC Rules and Regulations under the act, and that all other wool fibers now included under the definition of "wool," "reprocessed wool," and "reused wool" be included under the designation "wool."

This simplification of labeling of wool products, which might be done by legislation amending the Wool Products Labeling Act of 1939, would accomplish the following purposes:

1. Maintain a distinction between virgin wool and wool.

¹ Wool Products Labeling Act of 1939 (54 Stat. 1128: 15 U. S. C. A., S. 68).

² Virgin wool, as described by rule 20 of FTC; wool, reprocessed wool, and reused wool.

³ The term "virgin" or "new" as descriptive of a wool product or any fiber or part thereof shall not be used when the product or part so described is not composed wholly of new or virgin wool which has never been used, or reclaimed, reworked, reprocessed, or reused from any spun, woven, knitted, felted, or manufactured or used product. Products composed of or made from fiber reworked or reclaimed from yarn or clips shall not be described as virgin wool or new wool, or by terms of similar import, regardless of whether such yarn or clips are new or used or were made of new or reprocessed or reused material.

2. Facilitate enforcement of the act's labeling requirements by more nearly equating these requirements to the actual ability to detect violations.

3. Improve the competitive position of many mills to the advantage of the whole industry.

4. Enhance consumer confidence in wool products and generally eliminate the widespread dissatisfaction with the present act.

Mr. MACK. The Chair will state that anyone else who would like to submit his statement at this point for the record, we would be glad to receive it, so that it would not be necessary for the individual concerned to wait until this afternoon.

Otherwise, the hearings will be continued at 2 o'clock.

The Chair has several additional statements, which we will have included in the record at this point.

(The statements referred to are as follows:)

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 1, 1957.

HON. OREN HARRIS,

*Chairman, Interstate and Foreign Commerce Committee,
United States House of Representatives, Washington, D. C.*

DEAR CHAIRMAN HARRIS: In anticipation of early hearings before your full committee on H. R. 469 and companion bills. I would like to take this opportunity to register my opposition to the legislation.

It is my position, and that of the furniture manufacturers in my district, that the disclosure of fiber content in upholstered furniture and fabrics will place a heavy burden upon manufacturers without benefiting the consumer. Certainly, the added expense to the manufacturer will reflect in the retail price structure.

I hope the committee members will agree that the source from which a purchase will be made is the paramount factor to be considered in the reliability of a product purchased. For this reason, I respectfully request that this letter opposing all legislation to require labeling of textile-fiber products be made a part of the record before your committee.

With kindest regards, I am

Sincerely yours,

IRIS BLITCH, *Member of Congress.*

RECOMMENDATION OF THE CLOTHING MANUFACTURERS ASSOCIATION OF THE UNITED STATES OF AMERICA IN THE MATTER OF UNIFORM LABELING FOR THE MEN'S AND BOYS' CLOTHING INDUSTRY

THE ASSOCIATION

The Clothing Manufacturers Association of the United States of America is the national organization of the men's and boys' clothing industry, and our members produce the overwhelming majority of such clothing in the United States. The following local associations are affiliated with us:

The New England Clothing Manufacturers Association, Boston, Mass.

The New York Clothing Manufacturers Exchange, New York City, N. Y.

The Rochester Clothiers Exchange, Rochester, N. Y.

The Philadelphia Clothing Manufacturers Association, Philadelphia, Pa.

The Tailor's-To-The-Trade Association, Cincinnati, Ohio

PRESENT INDUSTRY PRACTICE

The members of the men's and boys' clothing industry manufacture garments which are principally within the scope of the Wool Products Labeling Act. These garments such as suits, overcoats, topcoats, separate jackets, and trousers are made of wool and wool blends and represent approximately 90 percent of total unit production of the industry. The remaining 10 percent of the units produced by the industry are subject to Federal Trade Practice Conference Rules such as rayon and acetate, silk, etc., and in some instances subject to no labeling regulation.

Because of the realistic regulations promulgated by the Federal Trade Commission, the industry has operated under the Wool Products Labeling Act to the satisfaction of all—namely manufacturers, retailers, consumers, and the Federal Trade Commission itself.

In view of the fact that manufacturers in this industry must conform both with the labeling requirements of the Wool Products Labeling Act and those of the applicable Trade Practice Conference Rules, and because the requirements of each impose different obligations, manufacturers are confronted with the problem of labeling their garments under a variety of labeling regulations at present.

INDUSTRY RECOMMENDATION

It is our position that the consumer purchasing men's and boys' clothing today is receiving proper and adequate labeling information. However, to the extent that legislation or Trade Practice Conference Rules require the labeling of products made of fabrics but not now covered by law or regulations, it is our position that these should be uniformity—so that the manufacturer will not be unduly burdened with the complexity of diverse regulations.

We recommend the passage of H. R. 469 with the following comment:

1. The provisions of this bill conform closely to the provisions of the present Wool Products Labeling Act.

While admittedly H. R. 469 specifically excludes fabrics subject to the Wool Act, yet because the provisions of both bills are similar, manufacturers producing wool clothing and clothing made of other fibers would actually be operating under one set of rules. This is naturally a great advantage for all concerned.

2. However, we wish to point out that section 4 (b) (2) states that in advertising, the percentage of each fiber present by weight will have to be detailed. In our opinion the provision indicating the need for printing percentages in the advertisements is needless and will cause the usual advertising format to lose a great deal of artistic attractiveness, for the average newspaper ad will carry too much detail. It is our recommendation that the provision covering advertising, as provided for in Senate bill 1616, section 4 (c), would amply protect the interests of the consumer and be more realistic in advertising layout.

HARRY A. COBRIN,
Executive Secretary.

HERBERT FERSTER,
Counsel, Drechsler & Leff.

STATEMENT ON PROPOSED TEXTILE LABELING AS OUTLINED IN H. R. 469, H. R. 5605, AND H. R. 6524

(By F. Eugene Ackerman, formerly vice president and merchandising director of Julius Forstmann Corp.; vice president, director of sales, merchandising, and advertising for Botany Mills, Inc.; director of American Wool Council; chairman of the executive committee and president of the Wool Bureau, Inc.; author of The Wool Products Labeling Act, Wonder Fiber W, etc.)

I have set forth the extent and areas of my experiences in the wool textile industry during the past 30 years solely to qualify myself in making this statement regarding the present textile labeling bill now pending before Congress. These bills are:

H. R. 469, introduced by Representative Smith, of Mississippi;

H. R. 5605, introduced by Representative Mack, of Illinois;

H. R. 6524, introduced by Representative O'Brien of New York, and

S. 1616, introduced by Senators Hill, Monroney, Magnuson, and Stennis.

H. R. 469 and S. 1616 are practically identical in text and purposes, which are to require the disclosure of the fiber content of textile products in terms of percentages, and further to provide for the continuance of the present Wool Labeling Act.

H. R. 5605 and 6524, would, as a primary purpose, repeal the Wool Labeling Act, and permit the identification of fibers in any textile product simply by listing them in the order of their predominance.

If either of these two latter bills, as at present written, are enacted in law, the public will be deprived of the incalculable protection afforded it during the past 17 years by the Wool Labeling Act. The sole information, to which we will

have access, will be the vague listing of the different fibers present in the order of their predominance. The quantity of the fibers present, upon which the service and wear values depend, will be the secret and unrevealed property of the producer. Further, information as to whether the fibers are new fibers being used for the first item, or are fibers recovered from wastes and from used rags, will be withheld from the public.

The net result will be to open up, by act of Congress, avenues of deception which are bound to react against the public interest, and to establish legally, as a standard for the textile industry, lower cost, inferior quality substitute raw materials which would be sold under the names and on the reputations of higher cost, better quality new raw materials. It is axiomatic that, paraphrasing Gresham's law on debased currency, such a course must result "in the cheap driving out the good."

There is no tenable argument which can prove that these secondhand, damaged raw materials are equal to the new materials from which they came originally. This is recognized technologically. It is further strengthened by the fact that they are sold in their own specific markets under their own terminologies. The waste materials dealers and processors of recovered fibers have their own special industries, their own industrial associations, and their own markets. In all instances these markets are the textile industries to which they sell lower priced substitutes for the new raw materials that would otherwise be used.

NEW CHEMICAL FIBERS MAKE IDENTIFICATION NECESSARY

During the past decade there have been introduced into the textile markets new chemical fibers possessing properties hitherto unobtainable in existing natural or synthetic fibers. They have been marketed in a campaign of advertising and promotion which has no example in the history of the textile industry, and indeed has not been excelled in any other industry. These fibers are being used alone and in blends with other fibers in practically every textile product. The result has been a revolution in the textile industries which has changed their entire economic outlook. It has made available to the public textile products which are advertised as possessing new, desirable, and previously unobtainable qualities which are the very basis of their values.

These fibers are advertised and sold under their registered trade names which are prominently affixed to the textile products for the information and guidance of the public, and as a guaranty that they possess the qualities claimed for them. Through their wide acceptance they are preempting markets formerly dominated by traditional and long established textiles. The result is an intensive battle for markets, in which the woolen, cotton, and rayon industries are suffering grievous losses as they struggle to adjust themselves to the new textile era.

A further result, just now becoming dangerously apparent, is the appearance in the rag and wastes markets of thousands of tons of rags from wornout garments containing blends of wool and the new polymer and acrylic fibers. These wastes and rags are being garnetted back into fibers, to be remanufactured. The present practice is to sell textile products made of yarns containing these hitherto manufactured and used synthetic fibers without any identification which would inform the public as to their previous use. The result has been so adverse to the public and to industry that such fiber manufacturers as the Du Pont Co. and the Chemstrand Co. are asking Congress to establish categories in the proposed labeling bills which will require manufacturers to disclose whether such fibers as dacron, orlon, nylon, and Acrilan, etc., are new fibers or are previously manufactured and used fibers recovered from wastes or rags.

WOOL INDUSTRY CHIEF SUFFERER

The industries which have been most seriously affected by the wide acceptance of the new chemical fibers have been the woolgrowing and wool textile manufacturing industries. As a result the greatest quantity of rags containing blends of fibers now coming into the market consist of wool and one or the other of the polymer and acrylic fibers. These rags present almost insoluble problems to the waste and rag industries. Before their appearance, cotton, rayon, silk, linen, etc., could be carbonized out of the wool content of a fabric by a sulfuric acid solution. The wool content, which resisted the acid bath, remained.

To date, no means has been discovered by which dacron, orlon, nylon, Acrilan, and the other chemical fibers can be eliminated from wool blends. Heat reduces them to a viscous, fluidlike mass. They are impervious to any acids which will not also destroy the wool. As a result, tons of rags and waste materials are being garnetted into fibers with the chemical fiber content present. If the Wool Labeling Act, which requires disclosure of the character of wool fiber used, is repealed, Congress will, in effect, be making legal the undisclosed use of both reused wool and reused synthetic fibers in textile products which the public will purchase under original generic terms and registered trade names designed specifically to be applied only to new fibers.

SHODDY OR REPROCESSED AND REUSED WOOL

The necessity for maintaining the present differentiation between new wool and wool recovered from wastes and rags rests upon a solid foundation. Traditionally, the wool textile industries uses approximately 50 percent substitutes for new wool in the manufacture of its products to bring prices within the reach of masses of people, by reducing costs of raw materials. The Encyclopaedia Britannica expresses it accurately in this manner:

"Upon the whole the 'cheap and nasty' idea generally associated with the term 'shoddy' in reference to these remanufactured materials, is quite a mistake. Some most excellent cloths are produced, and when price is taken into consideration it must be conceded that the development of this industry has benefited the working classes of Great Britain and other countries to a remarkable extent. Many are now well-clothed, who, without the advent of the remanufactured materials would have been clothed in rags."

It is fully granted that reprocessed and reused wool fibers, used as a substitute for new wool, produce results in textiles superior to any other substitute. While no reprocessed or reused wool is as good in terms of wear, protection, or warmth, as a corresponding grade of new wool, it does possess in degrees that vary according to the damage suffered through previous use, and by being torn and shredded back into fiber, the exclusive qualities of wool which do not exist in any comparable degree in any other natural or synthetic fiber.

Since this is a fact, the logic of overcoming any prejudice the public may have against the terms "reprocessed" and "reused" wool, is to extend knowledge of their values to the public. This is the universal practice followed by all industries seeking to establish the qualities of their products in the minds of the public. It is being followed today by many divisions of the textile industries. Upon the success or failure of their campaigns will depend their permanent futures. The rag and waste industries, and those textile manufacturers who believe that they will gain certain competitive advantages are endeavoring to bypass this accepted formula of American enterprise, by persuading Congress to legalize their use of terminologies in describing second-hand, damaged raw materials which were designed exclusively to describe new higher cost raw materials of superior quality.

WOOL INDUSTRIES PROTECTED BY SUBSIDIES AND TARIFFS

The wool growing and the wool textile manufacturing industries are among the most highly subsidized and tariff protected industries in the country. The appropriations for the United States Department of Agriculture in the present national budget contains an item for more than \$57 million which represents the cost of administering the National Wool Purchase Act of 1955. Under this act American woolgrowers are being paid a subsidy by the Government of approximately 19.6 cents for every pound of apparel wool grown in 1956.

The market value of this wool at private sales and at Government-conducted auctions averaged out 42.8 cents per pound. With the subsidy payment the total amount received by growers averaged an "incentive level" price of 0.62 cents. This is the highest average price received by woolgrowers—and packers who pull wool from slaughtered animals—at any time within the past 10 years. The subsidy payment actually is averaging 44.9 percent of the amount received by each grower for his wool clip.

In addition, foreign apparel wool imported into this country pays a tariff of 0.27 cents per pound. Efforts are now being made to have this tariff increased, on the claim that despite present wool subsidies, imports of raw wool are in such large quantities that they are seriously damaging the domestic woolgrowers' market.

As part of this program to increase the supply of domestic grown wool, the Commodity Stabilization Service of the Department of Agriculture deducts from its payments to woolgrowers approximately \$3 million annually which is being expended to promote and increase consumption of domestic wool, and of lamb as meat. Of this total, approximately \$1 million, is being expended to develop and sustain the steadily diminishing wool textile markets. Funds for this program are obtained from the tariff duties paid into the Treasury on foreign wool textiles.

The reasons for the wool subsidy, which is a direct charge upon the American taxpayer, is that wool is a basic strategic material for both our peace and defense economics. Despite the operation of this subsidy and the promotion of wool textiles, production of domestic wool declined 2 percent in 1956, and production of woolsens and worsteds declined 4 per cent.

Foreign wool textiles are assessed a tariff of 35 percent ad valorem, plus a specific duty of 35 cents per pound on their wool content. Within the past 6 months, by Presidential proclamation, duties on imports of wool textiles are increased to 45 percent ad valorem when they reach a total of 5 percent of domestic wool textile production. Wool textile manufacturers, with the support of State and National officials and legislators, are seeking to have present tariff duties increased, and to restrict imports on a quarterly quota basis.

All of these protective devices, including Government subsidies, tariffs, and quotas, have been invoked to aid the woolgrowing and wool textile industries of this country against lower cost foreign competition as a matter of public interest, and because they are a threat to our national-defense requirements.

The enactment by Congress of a law which would abolish the present Wool Products Labeling Act, would be to establish with all the power of our Government, a new domestic industry competitive to wool growers and wool textile manufacturers, authorized to make undisclosed use of lower cost substitute fibers recovered from previously manufactured and, in most instances, previously used and worn rags.

THE WOOL PRODUCTS LABELING ACT

The present Wool Products Labeling Act became law in 1939 after a struggle lasting 30 years, during which the most voluminous testimony, pro and con, was amassed. The existing law was passed by Congress after 3 years of continuous effort, supported by industry; the public, as represented by civic and consumer organizations; labor, including local, regional, and such national organizations as the American Federation of Labor; agricultural groups, veterans' organizations, including the American Legion, and home economics teachers and their representatives.

The testimony adduced during these hearings set forth clearly why such a law was deemed imperatively necessary for the protection of the public, and of the wool growing and wool textile industries. These reasons not only exist today, but have become more and more critical. Over a period of 17 years manufacturers and merchants have learned to evaluate products containing wool in its various categories, both as regards price ranges, and the public appeal which they have. The public, in turn, being fully advised now, has the choice of purchase, based on knowledge and information, and experience in the values of wool, reprocessed and reused wool based on actual service and wear.

The Wool Products Labeling Act contains three definitions for wool, viz: Wool, reprocessed wool, and reused wool. The Federal Trade Commission has added a further definition, i. e. virgin wool. It is admitted that these multiple definitions are onerous and could be simplified without damage to the public interest. These definitions, however, are the direct result of the intense and emotional opposition to the bill, when it was before Congress. Originally the proponents of the bill asked for two definitions: Wool and reprocessed or reclaimed wool. The term "wool" was to have defined new wool being used for the first time in the complete manufacture of a textile product. All other wool, including wastes, and fibers garnetted from new or old rags, was to have been designated as "reprocessed" or "reclaimed" wool.

As finally passed the term "wool," which may be promoted, advertised and sold as "pure wool," "100 percent wool," "all wool," and like terms guaranteeing the newness of the fiber used, includes a wide variety of wastes accumulated during manufacture up to, but not including felting and weaving. It includes knitted clips of new wool, which are wastes from the manufacture of knit products. This wide application of the term "wool" gives manufacturers access to a quantity of semimanufactured wool products which amount to 10 percent and more of the total amount of wool consumed in the industry.

Because of the inclusion of these wastes in the term "wool," the Federal Trade Commission defined "virgin wool," as new wool being used for the first time in the complete manufacture of a wool product, to protect those manufacturers using new wool only.

The term "reused wool," was included in the labeling bill by the Senate Interstate Commerce Committee as the direct result of a request by the late Irwin Fox, then legislative representative for the National Retail Dry Goods Association. The printed record of the hearings will show that Mr. Fox complained against being obliged to purchase textile products containing yarns recovered from "old rags." He declared that his organization would want the source of those yarns revealed to the buying public. Proponents of the bill accepted the additional term "reused wool" in order to insure the reporting out of the bill by the Senate committee.

Mr. Fox's attitude in 1939 would seem to be at variance with the present attitude of the National Retail Dry Goods Association. At a meeting in June 1956, in the New York offices of the association, with a committee discussing the present legislation, the writer urged the association to support the continuance of the Wool Labeling Act, or of a substitute which would maintain the differentiation between new and previously manufactured or used wool. A spokesman for the association, who had assisted in drafting a labeling bill, introduced in the Senate by Senator Barry Goldwater of Arizona, stated: "we have made no provision for wastes so far as other fibers are concerned, and see no reason for making an exception of wool."

It is doubtful if this represents the opinion of the individual members of the association, who are charged with safeguarding the interests of the public, their customers. It would appear that the subject is one of such universal importance that the views of individual merchants, and the State associations of merchants should be solicited, and made part of the record of these hearings.

WOOL TEXTILE INDUSTRY A COPYING INDUSTRY

The American wool textile industry is a copying industry. Textiles made by the name mills whose products have set standards in quality and construction and wide fashion and public acceptance, are immediately copied downward in a succession of lower price ranges, almost before first quantity deliveries of the original fabric have been made. Copying is an accepted industry practice. Selling information and samples of new lines of high quality, high fashion wool textiles is a well established, international industry. Individual retail stores subscribe to information services and groups of retail stores conduct their own services on behalf of their members. A widely accepted new textile is sampled by these services in the different qualities and prices at which it is being made by different mills in order to provide fabrics which will fit into consumer goods in descending price ranges.

This copying, or "style piracy" practice was described by the late Arthur Besse, then president of the National Association of Wool Manufacturers before the House Foreign and Interstate Commerce Committee on July 8, 1937, during a hearing on one of the labeling bills then pending in Congress. The situation which he described then has continued and become more acute under the stress of present intensified competition, of both domestic and foreign character.

Mr. Besse declared that the practice of using from 25 to 50 percent substitute fibers in the industry deceived the customer, and made it difficult for manufacturers to maintain high standards of quality. Mr. Lea of California, asked Mr. Besse:

"Is it not rather difficult for a manufacturer to preserve his standards, if he desires to preserve a high standard, in view of competition?"

Mr. Besse, replied * * * "Of course it goes further than that. It is quite common to bring out a certain fabric that may be all wool only to have it duplicated by another manufacturer with something that perhaps is all wool but an inferior, cheaper fabric. Then someone wants to take the same fabric and make it with 25 percent rayon and or 50 percent cotton, which, of course, practically kills the business of the original manufacturer who is putting out a high grade all-wool fabric, if the manipulated fabric is sold on the basis of being a comparable fabric. But if the manipulated fabric is sold on the basis of what it is, it will be a certain protection to the manufacturer who wants to make a high grade all-wool product."

This statement was made at a time when, as at present, the National Association of Wool Manufacturers opposed any legislation which would reveal the percentage of fibers present in a textile sold as wool, and opposed also, any differentiation between new wool, reprocessed and reused wool. A basic claim of these association spokesmen, prior to the enactment of the present Wool Labeling Act was that such a law was impossible to enforce. The record of the Federal Trade Commission's successful enforcement of the existing law is adequate refutation of this claim. The manufacturers' records of raw materials used, have served as complete evidence in instances where manufacturers have endeavored to deceive the public by false statements of fiber content.

CONCLUSION

There are four separate bills pending before the House and Senate which would regulate the labeling of the fiber content of textile products. An entirely artificial element of having one labeling bill which would cover all textiles is being used as a weapon to obtain the repeal of the present Wool Labeling Act. Wool is one of the most costly, as well as mankind's most necessary fiber. It lends itself to recovery from used products, in a damaged form, better than any other fiber.

Wool's vital importance to our peacetime economy, and our national defense, is fully recognized. Wool textile manufacturers, as well as growers, base their present unprecedented appeals for protection against ruin by foreign competition on these bases. The enactment of legislation which would destroy the Wool Labeling Act would open the way to replacing the shepherd with the old-clothes man and the sheep with the rag bag. The protection sought for wool would chiefly benefit users of undisclosed substitutes.

The difference in the protection and service values of wool, and as it was universally known then, as shoddy, were exemplified in testimony before the Senate Military Affairs Committee, in 1917. A review of this testimony by Army and Navy officers, in what was nationally known as the shoddy scandal is absolutely essential in any consideration of the present effort to eliminate the existing requirements that the kind of wool, i. e. whether new, reprocessed or reused, be disclosed to the public.

For the reasons cited in this statement, it is strongly urged that Congress retain the present Wool Products Labeling Act, and make it an integral part of any textile labeling law which is adopted.

NAPLES, FLA., *April 23, 1957.*

Mr. MACK. The committee will stand adjourned until 2 o'clock this afternoon.

(Whereupon, at 12:40 p. m., the subcommittee recessed, to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

Mr. MACK. The committee will come to order.

The Chair would like to note the presence of our colleague from Mississippi, Mr. Smith.

Is Mr. George Marlin present?

Mr. Marlin has submitted a statement, and I would like to have it included at this point in the record.

(The statement referred to is as follows:)

NATIONAL WOMEN'S NECKWEAR AND SCARF ASSOCIATION, INC.,

New York, N. Y., March 7, 1957.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,

House of Representatives, Washington, D. C.

GENTLEMEN: A committee of the above association has been studying H. R. 469, a bill designed to protect the public against misbranding and false advertising of the fiber content of textile fiber products. One of the members of this committee was assigned to render a report and it was the feeling of the association, by unanimous vote, that his analysis should be submitted to you verbatim as a reflection of the industry position.

I therefore set forth the said report, in toto, inasmuch as it is couched in succinct, brief, and simple language:

"I have studied the copy of H. R. 469 which you sent me and while on the whole I am in accord with its provisions, the following items strike me as needing slight alteration:

"1. On page 11, under section 6, paragraphs (a) and (b) provide for the keeping of records for a period of 3 years. Now, it is one thing for us to keep fiscal records for 3 years—but it is another thing to keep cutting and sewing records for 3 years, particularly when we make thousands of different items, some of which use 3 or 4 or more components, for some of which substitutes are often used due to inability to get timely deliveries. As a practical matter, oftentimes we do not even keep a day-to-day record since all we do is copy samples each time we repeat a cutting. In short, not only would it be almost impossible to keep such voluminous records for a 3-year period, but it would necessitate setting up a special system to do so and might cost \$6,000 to \$7,000 a year for a firm of our size to maintain it, and eventually would result in increased cost to the consuming public.

"2. Because of their nature, many of our products should really be exempt from these regulations. In common with headwear, handbags, etc., many of our items are trimmings and accessories and it is of absolutely no importance what their fiber content may be since they are fashion items which appeal to the ultimate consumer primarily because of appearance and secondly because of utility. Obviously, a girl can use many different things to trim the neckline of her dress; she could use a fur collar or a beaded collar or a necklace made of jewels or glass or metal, or she might use some doodad or gadget, which we make, which uses perhaps one-fourth yard of nylon tricot fabric trimmed with 2 yards of ½-inch-wide cotton lace, plus one-half dozen tiny flowers made of some unknown material and 1 yard of rayon ribbon with metallic decoration. In order to label such an item with fiber content it would require a detailed chemical laboratory analysis. And it would serve no earthly purpose to do so. Would it not be logical to include some provision exempting accessory items composed of more than one component textile product where such component products amount to 1 square yard or less of each? If this were done, no harm would accrue to the consuming public, and a great burden would be removed both from industry and from the Federal Trade Commission in its supervision and enforcement activities.

"If these two problems are properly handled, I can see nothing objectionable in this act for our industry. On the contrary, this act should prove a great help to all substantial and honorable firms, such as comprise the membership of our associations, who do ordinarily properly label merchandise and have sometimes suffered unfairly from competitors who do not properly label their products."

We trust the foregoing views will be given every serious consideration and that the suggested amendments will be adopted.

We shall be pleased to cooperate with your committee in any way you deem to be appropriate, including attendance at any hearings which may be scheduled.

Sincerely yours,

MARLIN & SANBERG,
GEORGE MARLIN,

Counsel.

Mr. MACK. Mr. Joseph Batchker, National Coat and Suit Recovery Board?

(No response.)

Mr. MACK. He is not present, is that correct?

Mr. Charles Baker, executive director, Infants & Children's Coat Association?

(No response.)

Mr. MACK. Mr. Baker is not present.

Mr. Bertram Reinitz, executive director, Industrial Council of Cloak, Suit & Skirt Manufacturers, Inc.?

(No response.)

Mr. MACK. Mr. Reinitz is not present.

Mr. Joseph L. Dubow, executive director, Merchants Ladies Garment Association?

(No response.)

Mr. MACK. Mr. Dubow is not present.

Mr. Max H. Zuckerman, executive secretary of the United Infants & Children's Wear Association?

Mr. BACHENHEIMER. Mr. Chairman, many of these groups have talked through us, and that is why they are not present.

Mr. MACK. You have represented many of these individuals?

Mr. BACHENHEIMER. Yes. That is why they are not present. They are listed in our testimony.

Mr. MACK. Mr. B. H. Lerner——

Mr. BACHENHEIMER. He didn't show up, either. He is listed.

Mr. MACK. I just wanted the record to be clear as to who had been given the opportunity to testify.

Herbert Bailey?

Congressman Auchincloss has contacted me, asking that you have this opportunity to testify, and we are very happy to comply with our colleague's request. He has given a very fine recommendation of you.

**STATEMENT OF HERBERT E. BAILEY, ASSISTANT SECRETARY,
JOHNSON & JOHNSON, NEW BRUNSWICK, N. J.**

Mr. BAILEY. Thank you very much, Mr. Chairman. I appreciate the courtesy of being able to read a very short statement in the record, if I may.

Mr. MACK. You may proceed.

Mr. BAILEY. Thank you, sir.

Mr. Chairman and Mr. Smith:

I am Herbert E. Bailey, assistant secretary of Johnson & Johnson, a New Jersey corporation with principal office at 501 George Street, New Brunswick, N. J. I am also secretary or assistant secretary of various subsidiaries of Johnson & Johnson.

Johnson & Johnson and its subsidiaries produce a large variety of products, which might fall within the definition of "textile fiber product" as set forth in section 2 (h) of H. R. 469 introduced January 3, 1957. Many of these are specifically exempted by section 12 (a) (2), (3), (4), and (7) of the bill.

However, a substantial number of our other items which might fall within the definition of "textile fiber product" are of such nature that the labeling requirements which would be imposed by H. R. 469, if enacted in present form, would only add cost and legal complications to our business without providing any accompanying protection to the consuming public. The items to which I refer are of three classes:

1. Products already subject to the labeling requirements of the Federal Food, Drug, and Cosmetic Act, though not "bandages and surgical dressings" (for example, dental rolls; athletic supporters; suspensories; anklets; wristlets).

2. Disposal products intended for onetime or limited-life use (for example, sanitary napkins, belts, and tampons generally known as catamenial devices; cosmetic cotton squares; disposable diapers; pressure-sensitive adhesive tapes).

3. Miscellaneous semidisposal items such as cleaning cloths, thermoplastic adhesive mending tapes, and sheets and gauze diapers.

It would appear that the principal object of the bill, so far as consumer products are concerned, is to require that advice concerning fiber content be given to a consumer so that he may judge the utility, durability, washability, shrinkage, appearance, and other qualities of an item.

However, the nature of our products in the classifications enumerated in the preceding paragraph is such that the consumer is primarily interested in the performance, that is, whether the napkin will absorb, the tape stick, the supporter remain elastic, the cleaning cloth catch dust, and so forth.

The matter of fiber content is of little or no interest or importance to such consumer. He is not in the position of the would-be purchaser of a wool, silk, or rayon suit who might well wish to be reliably advised of the constituent fibers, by percentage, of a garment.

In addition, the fact that the items in category (1) above are already subject to Federal labeling requirements, makes their coverage by H. R. 469 doubly unnecessary.

Johnson & Johnson feels that the public interest does not require that H. R. 469 be enacted with respect to its products or those of its subsidiaries. However, if the bill receives favorable consideration by the Congress, I respectfully suggest that the following amendments be made which will serve to exempt our products listed above for the reasons previously outlined:

1. Revise section 12 (a) (7) to read:

Bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended;

2. Revise section 12 (a) (10) to read:

Textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, toys, catamenial devices, adhesive tapes and sheets, cleaning cloths, or diapers;

3. Add a new subsection (11) to section 12 (a) to read:

(11) Disposable textile fiber products intended for one-time or limited-life use and not suitable for washing or dry cleaning.

I thank you, Mr. Chairman, for the opportunity of reading that statement.

Mr. MACK. Thank you for your very brief statement.

Mr. BAILEY. Thank you.

Mr. MACK. I was just wondering what kind of hardship would be bestowed upon your industry if these amendments that you suggested would not be accepted.

Mr. BAILEY. It would involve, Mr. Chairman, a substantial amount of changing of labeling and packaging without, we feel, the consumer of the product being assisted in any way or protected in any way with respect to the desirability of the purchase.

We think—excuse me, sir.

Mr. MACK. There would be no financial additional costs?

Mr. BAILEY. There would be substantial additional costs that would be involved in any change of packaging, but in addition to the normal costs we happen to be makers of a long line of products, some 1,200 or more, many of which change in terms of constituent elements as progress in research and product improvement is made, and therefore, each time a product would be improved in some fashion, of the

variety that I am talking about, of the products I am talking about, that might require additional and cumbersome relabeling without, and I think the only reason we would oppose it would be that it would be without, the accompanying benefit to the consumer.

MR. MACK. Most of your products are labeled, though?

MR. BAILEY. Well, all of our products are labeled, sir, in the general sense of the word of indicating what is on the inside of the product, such as a Modess sanitary napkin, the number of the napkins, the name and the address of the manufacturer.

MR. MACK. The trade name.

MR. BAILEY. Yes, sir, trade name as well as generic name.

MR. MACK. So that you usually have labeling on most of your products?

MR. BAILEY. We have labeling, insofar as we are talking consumer products, on all of our products.

MR. MACK. And it would be a problem of increasing what is included in your statement of labeling?

MR. BAILEY. That is correct, sir.

MR. MACK. I have one question here which was suggested, as to why you had included in your exemptions such items as diapers. It would seem that people might want to know the content of diapers as well as other items.

MR. BAILEY. Well, we have two types of diapers, sir. One is the disposable diapers.

MR. MACK. You are not speaking of disposable diaper in this instance?

MR. BAILEY. Well, we cover them both; in category (2) would be disposable diapers, and in category (3) would be the gauze diapers which are so labeled, but our thought is they are items of relatively limited-life use, and their performance as experienced by the housewife under the trade name Chicks or Chucks would be sufficient to inform her as to the reliability of the product, and should the constituent elements change from gauze to something else, or gauze and something else, it would be burdensome, without being particularly helpful, to require a labeling change every time there was an improvement made in the product.

MR. MACK. Thank you very much, Mr. Bailey.

MR. BAILEY. Thank you, sir.

MR. MACK. We appreciated your very fine statement.

MR. BAILEY. Thank you.

MR. MACK. Our colleague, Harold Donohue, of Massachusetts, asked that Mr. Michael Silver be permitted to testify.

At this time, the committee would be very happy to have Mr. Silver testify; and I believe that you are joined today by another?

MR. SILVER. Mr. Freedman.

MR. MACK. Do you want to give your name for the record?

MR. FREEDMAN. Milton S. Freedman.

STATEMENT OF MICHAEL SILVER; ACCOMPANIED BY MILTON S. FREEDMAN

MR. SILVER. Mr. Chairman and members of the committee, I might state that my name is Mr. Michael Silver. With my competitor, traveling companion, and also a past president of the Wool, and Wool

Waste Trade Association, we are here to offer testimony, but we have no prepared statements because we are just plain businessmen and not attorneys. We are not familiar with the best procedures in presenting testimony before a committee. But we feel, also, that this is a fair and a liberal committee, and will excuse us for not having perhaps the most expedient type of testimony.

I would first like to qualify my remarks by saying that we in our trade buy and sell from the various mills in our country and abroad.

I might also say that we have lived with the problems of the mill men over a period of many years, and we speak, I feel, perhaps with a little more authority than some of the gentlemen who might represent these groups, and yet not be in this particular phase of the business directly.

For the record, I want to emphatically state that many of the members of the Wool, and Wool Waste Trade Association are members of the Boston Wool Trade as well as the company I am with, and Mr. Freedman's company, too, and we want to know for the record that we are definitely and emphatically not in agreement with the statements made by the testimony of Mr. J. A. Crowder on behalf of the Boston Wool Trade Association which we understand was given today, and we were not present at the time the testimony was given.

Mr. MACK. He is not connected with your organization at all?

Mr. SILVER. The members of our organization, I would say some of the members, it might be quite a few, we have never polled them, but there are a number of the members of our association who are also members of the Boston Wool Trade. I do want to tell you that I know their feelings.

I don't know how liable I am, subject to suit, or anything in its reasonable facsimile in this chamber, but it is common knowledge around the trade, and has been for years, that the present Wool Labeling Act was never conceived as a result of the clamor of the public to have the materials they buy properly labeled.

It is also very well known among our trade that this idea was born and conceived in the minds of a certain small group of very large mills in connection with the wool growers and wool dealers, to solidify their position in the market as a result of the ability and ingenuity of the smaller mills to make a fabric of excellent material for the price offered, and I thought we ought to get that in the record so we can start off on an even footing, and let it be very well known that it is not the public who has demanded the Wool Labeling Act.

However, since there is an act, we also want to go on record that we think there should be a labeling act. There should be a labeling act.

People should be entitled to know whether they are getting wool, or rayon and wool, or cotton and wool, or dacron and wool, or any blend that may be in the fiber, and I say that particularly for one very good reason: There are some people who might be allergic to wool, who may not know wool as a fiber or a fabric, and they should be given the opportunity to avoid anything that has wool in it as a result of their own reactions to it.

But the labeling law as it has been written since 1939 has in the beginning plagued the manufacturer to the extent where, according to statistics, we have lost in the neighborhood of about 200 miles since 1948.

I honestly will say that I don't attribute the loss of these mills, either by liquidation or going out of business, primarily and totally to the Labeling Act, but I would go on record that the Labeling Act had a great deal to do with it.

The Labeling Act as it is presently written, makes it very difficult to operate, purely because the word "reprocessed" and the word "reused" wool has a stigma on it, and so has the public been educated to that stigma that there is definitely something wrong with anything that says "reprocessed" or "reused."

Now, that required some education, a great deal of education, on the part of the big people who could afford to put out that type of propaganda, and it was through this process of educating the public that reprocessed and reused were certainly a far inferior product, could be attributed in a large part to the inability of our textile industry, or the wool industry especially, to maintain their position in this country.

If the Government of the United States is interested in its large industries, it is high time that the Government itself, as is presently being done by Mr. Mack through his bill, give this stigma the attention that it really needs, and really find out for itself that the words "reused" and "reprocessed" are actually a stigma on the part of the public's education up to now.

We don't intend, nor do we require, that the Government or any groups of wool or wool waste dealers make an attempt to spend many millions of dollars trying to educate the public that reused and reprocessed is a good product, and that everyone will get his money's worth. We think the solution can be far less expensive with no harm and perhaps much benefit coming to the public themselves as a result of being able to put cloth or merchandise in their hands at a price they could afford to pay, and we are primarily interested in the masses of people.

I heard, I believe, a remark made by Congressman Moss this morning to a gentleman who was sitting here, and it went something like this: "You know we can stop the imports of woolens and worsteds that are coming into this country," if I understood him correctly. I think perhaps in order to save a dying industry—and is dying a slow death—that perhaps we ought to consider very seriously the stopping of imports of wool, woolens, and worsteds as they are coming into this country.

I saw several statistics here that a hundred thousand people have been thrown out of work as the result of the mills that had to go out of business, and I am also aware that these hundred thousand people found work elsewhere. But I am also aware that these 100,000 people are not working in textiles, in the textile field, any longer.

I must repeat that if the Government of the United States does not give a hoot, and you will pardon the expression, for the textile industry, the wool and worsted industry, in our country, then we ought to leave matters alone, we ought to leave the Wool Labeling Act as it is presently written.

But if the Government of the United States is actually interested in our industry, then I think that they should take steps which would keep this industry together.

I also would like to bring forth another point: that we, if we understand Congressman Mack's bill, are in favor of the bill if we

construe its meaning to mean that it is his wish, for the benefit of all involved, to eliminate the words "reprocessed" and "reused."

We should like to make it also clear that the contents or what goes into the fabric will reflect itself in the price. I know that I can't expect to get a virgin wool suit for \$35 or \$40. If I want a virgin wool suit, I have to expect to pay \$75 or more. The public has never been fooled. It isn't the intention of the manufacturer to fool the public.

It is the intention of the manufacturer to give the best possible fabric for the smallest or, let's say, the lowest amount of money they could afford to sell it for.

The Wool Labeling Act has been a very difficult act to live up to. I think in some of the testimony of the Federal Trade Commission, while they may not have said so in so many words, based on the article I read which was printed on April 12 in the Daily News Record, Mr. Hannah himself indicates here that he has received some complaints as to the identification of reused or reprocessed wool places a stigma on the marketing of such items.

Mr. Hannah has also said he has found it extremely difficult to ascertain as to whether or not some of the products which have been coming into this country could be positively identified as having some reprocessed wool.

In substance, gentlemen, I should like to go back to my few opening remarks and tell you that we are laboring under a misapprehension, and that is that the feeling has been tried to be created that the public has clamored for the Wool Labeling Act of 1939. I think I mentioned that, and I do mention it definitely, because I feel that in our sincere desire to protect the public, and I use the word advisedly, we are losing sight of the fact as to the origin of this particular present Labeling Act; whereas, instead of helping the public, we are killing an industry.

By virtue of the way the act is presently written, it is also common knowledge around amongst the trade that it is a very difficult one to adhere to, and the Federal Trade Commission has been in a measure rather unsuccessful in enforcing the act.

From our particular phase, we are wool and wool waste dealers. We buy our material from the various mills, we also buy from dealers who buy the materials from other dealers, but the ultimate source, the beginning, has been from a woolen or a worsted mill.

Over the years, the Federal Trade Commission has tried to get the mills to label their wastes, and from the tickets we get, as many of us do in our trade, they have almost come to a complete failure in enforcing the law as far as that is concerned, making it equally difficult for us as dealers to properly qualify the fibers we buy, and the same fibers to qualify to the mills we sell.

We are definitely for a wool boil-out law, which tells the public there is a percentage of wool and a percentage of other fibers, if it is possible for us to identify them.

We know, as perhaps many of you also know, that wonderful products have been made from reprocessed wools, because they don't use it in its entirety, they use it as a less costly substance or fiber to put in with wools. The public themselves have a direct benefit. Smaller mills who cater to the masses of people, and even bigger ones, will be

able to remain in business because they don't have to face the stigma of reprocessed or reused wools.

Mr. Chairman and members of the committee, I have several samples here that I would like to show you, with your permission, to show you what reprocessed fibers are, and what so-called all-wool fibers are, and you can determine which of the two will make a better fabric. And yet one carries reprocessed and one carries reused.

We submit again that if a law exists on the books which is unworkable and very hard to live up to by the majority of the people involved, then there must be something wrong with the law, and we interpret the Wool Labeling Act to have that fault.

And, Congressman Mack, Mr. Chairman, if we interpret your bill to mean that you view, for the benefit of all concerned, it to mean to do away with the words "reused" and "reprocessed," we want to go on record that we are highly in favor of your bill.

In conclusion, gentlemen, I would just like to show you these, if I may come to your desk and show you these.

Mr. MACK. If you will hand them to the clerk, the clerk will show us the samples.

Mr. SILVER. I purposely didn't identify these. I felt if I didn't, it might come more as a surprise to you as to what is reprocessed and what is supposedly all wool, and in some cases virgin wool.

Mr. AVERY. Mr. Silver, while you are preparing your exhibits, could you tell me, in the industry what percent of reused wool is just reprocessed new fabric, and what percent is used fabric?

Mr. SILVER. I don't quite get the question. Would you repeat it, sir?

Mr. AVERY. It probably was not very well stated.

As I understand, we are discussing both fabric that has been used before, and then remnants that you reprocess which have never been used before; am I correct in that premise, to start out with, now?

Mr. SILVER. Well, if you mean from the point of view of whether a reprocessed fiber makes an inferior product, we are discussing it from that point of view.

Mr. AVERY. Well, I see I have not stated my question clearly.

There was some statement made this morning about whether it was used off the back of a sheep or off the back of a human. Now, that would imply there was some used material that was reprocessed that had been worn or had been used; right?

Mr. SILVER. Yes.

Mr. AVERY. There is also some fabric that is reprocessed, remnants from mills that have never been used. You have those two categories.

Mr. SILVER. Yes, sir.

Mr. AVERY. Is that correct?

Mr. SILVER. Yes, sir.

Mr. AVERY. In about what proportion of those categories would they fall?

Mr. SILVER. We, as I told you before, or perhaps before you came in, Mr. Avery, we are not manufacturers, so I can't give you statistics from that point of view. But I would like, if you will permit me, I notice that in one of the quotations here, where the Boston Wool Trade says:

The purchaser will at least know whether the garment came off the backs of animals or of humans.

Is that the statement you referred to that was quoted this morning?

Mr. AVERY. Well, I am using that as a basis for one of my questions, yes, but my question is a little broader than that. Not all reprocessed wool comes off anybody's back, is that not right? There is a percentage that comes out——

Mr. SILVER. That is reused, sir. Anything that comes off a back that has been worn is reused.

Mr. AVERY. All right. That is number one.

Mr. SILVER. Yes, sir.

Mr. AVERY. Then the other category is the category that would include remnants from the various manufacturing mills which have never been used for anything, it is just odds and ends, but it is also reused.

Mr. SILVER. Yes, sir. It is reprocessed, not reused.

Mr. AVERY. I will stand corrected. Reprocessed, and then used.

My question is, what percent is it that comes off somebody's back, and what comes out of the remnants of somebody's mill?

Mr. SILVER. Again, I must state, Mr. Avery, that I don't know the percentages that the mills might use of it. If you will ask me how it reflects itself in the cloth, I might tell you that the cloth would cost less to the consumer if reused was used in place of reprocessed.

Mr. AVERY. Well, that would be logical, all right, but you haven't any idea as to what the percentage is? The idea behind my question is, I am trying to find out what we are really talking about here. Is the bulk of this reprocessed wool, is it from mills, or the rag buyer?

Mr. SILVER. Well, it has two sources: One, reprocessed can come or does come from a mill. It also comes from the cutters, and in either case it doesn't detract from the material.

Mr. AVERY. Necessarily?

Mr. SILVER. It does not, definitely doesn't.

Mr. AVERY. It does not. I see.

Mr. SILVER. No, it definitely doesn't.

May I elaborate a bit on the Boston Wool Trade here, sir?

Mr. AVERY. On what?

Mr. SILVER. On the statement made by the Boston Wool Trade along with what you said.

Mr. AVERY. All right.

Mr. SILVER. "So the purchaser will at least know whether the garment came off the backs of animals or humans." I think it is a very misleading and unfair statement. They think nothing else was done but taken off the back and taken from another fabric and put on their back again. That is so misleading and so wrong, because this here reused, which this gentleman must mean, goes through many processes of scouring and dyeing and processing and carbonizing, and brought back into a very healthy state.

I might compare it, sir, with water. By the same token, if we are going to label, we should label water, which is a very important substance in our lives, because if we traced water as to where it came from and what it had to flow through and told people they drank that water, that would be a misleading statement, because the fact is that that water gets purified, is tested, and so forth, as to its health provisions, cleanliness, and so forth.

By the same token, Mr. Avery, so does reused material. It gets the same kind and tender care as does any other fiber.

What we are trying to bring home, as members of this trade is this: That we are actually trying to save the public, and at the same time and by the same token, hurting the public's pocketbook, and, thirdly, making dishonest people of people who want to be honest.

Gentlemen, in my little way, and as I say, not having the opportunity or the privilege of appearing before any committee before, I prepared no statement, because I am talking to you from personal experience; and I am not talking from my head, I am talking from my heart, for the benefit of the textile industry in general, for the mills who should be saved, and for the people who will be able to buy a good piece of goods to fit their pocketbook.

That is the sum and substance of my testimony, Mr. Mack.

I want to thank you and your committee for listening. We will try to answer some of the questions you might ask to the best of our ability, and I feel perhaps I may not be qualified to answer them all.

I would also ask you would be good enough to allot a little time to my traveling companion, Mr. Freedman.

Mr. MACK. Mr. Silver, you sent these samples up here now and I wondered if you would identify the first two samples that you sent up?

Mr. SILVER. May I come up?

Mr. MACK. As long as we can have them identified for the record. This first one that you sent up?

Mr. SILVER. Would you pick it up?

Mr. MACK. You may come up.

Mr. SILVER. Thank you.

This, after it is dusted, can go for an all wool.

Now that is ridiculous.

Mr. MACK. What is this?

Mr. SILVER. It is a waste from a mill. That is the way we buy it. In some instances we buy cleaner stuff, too. This is dusted by us, blended with other fibers and sold to mills.

Mr. MACK. But this is reprocessed?

Mr. FREEDMAN. No; it is not.

Mr. MACK. It is virgin wool.

Mr. SILVER. It is virgin wool. You see there again we are faced with a difficulty of not having any identification from the mill that it came from. This is sold to us as all wool.

Now, if you say will you swear there is no reprocessed in there we could not do that.

If you say there is no reused in there we could not do that.

And the mill does not label it. They just call this wool waste.

Mr. MACK. My question is, How do you label it after you process it?

Mr. SILVER. By boiler. This is put into a blend. This can't go by itself. The fibers are too short and when this is dusted and the fibers are left.

Mr. MACK. You label it virgin wool?

Mr. SILVER. No, sir. We label it boil-out. We boil it out and it is 9 percent wool or 5 percent wool.

This is the only way we have it.

Mr. MACK. Principally we would like to have these samples identified and you have already identified this, is that correct?

Mr. SILVER. Yes. This is a strip called a card strip which can be bought anywhere from perhaps a half cent to 3 cents per pound. This

they allow as being classified if it is made from virgin wool as virgin wool.

In comparison, we would like to show you a worsted clip which is picked. This is a new worsted clip which must go under the classification of reprocessed. We considered this is beautiful fiber compared to any of these two that I showed you, and yet they take the so-called better classification.

I should like to show you what we call—this is a woolen heading, which has been picked and this is it in its original state, and it has gone through picking machines and we come up with this beautiful fiber which has to carry the stigma of reprocessed as far as the Wool Labeling Act is concerned.

Incidentally, I might mention that noils and doffer waste, which is a waste material which comes from combing, which has tiny short fibers—that can be labeled virgin wool.

Gentlemen, it is my opinion that those who are responsible for putting the law in force have perhaps not had the opportunity to see the differences between what could be called virgin wool, all wool, or reprocessed wools.

Mr. MACK. Take the witness chair again, Mr. Silver, so that the reporter can have the full benefit of your statement.

Mr. SILVER. I started to say, Mr. Chairman, that perhaps it might be proper and fitting that the committee really familiarize themselves with the identifications of what is reused wool and what is reprocessed wool, not by words but by actually seeing the fibers, and that they acquaint themselves with the type of waste called noils and doffer waste which, in fiber length and strength, is in many instances not comparable with so-called reprocessed materials.

Mr. MACK. Does Mr. Freedman have a supplemental statement to make?

Mr. SILVER. Yes, I believe Mr. Freedman might want to. Thank you.

Mr. AVERY. May I ask just one question to further clarify this? These would all be generally classified as reprocessed fiber; is that right?

Mr. SILVER. Just two of them. Those that have been picked—where you see the little threads there. Those are reprocessed fibers which have been put through what we call a ragpicker and opened up. The other two fibers that you see there they could fall in 1 of 2 categories, virgin wool or all wool.

Mr. AVERY. Well, all wool would not necessarily be precluded from being reprocessed, could it? Couldn't it be reprocessed and all wool also?

Mr. SILVER. No. If it is in yarn, if that fiber that you are looking at there was made out of threads, you could put the all-wool label on it, if it was an all-wool thread. Does that answer your question, sir?

Mr. AVERY. But I won't detain you any further, Mr. Silver.

Mr. SILVER. Okay.

Mr. FREEDMAN. May I clarify one point?

The label depends upon what the original fiber of the fiber was, PTS virgin wool or no wool which has never been used. Once it is woven, but not worn it is reprocessed.

Mr. AVERY. I understand.

Mr. FREEDMAN. Once the woven fiber has been worn it is reused. The reclamation of a reprocessed fiber that has not been worn has to still have a reprocessed label though it is all open and clean. The new stuff, what they call the new label stock which has never been woven, can be and is what you see there in a very, very dirty form. Reprocessed is a far superior, or reused that has been cleaned is a superior fiber to those. That is, I think, the point that you want to clear up with Mr. Silver.

I want to ask a question, frankly.

Mr. MACK. I want to state that the purpose of the testimony is for the witnesses to express their opinions on the pending legislation, and it is customary for us to ask the questions rather than witnesses.

You may proceed and make any kind of a statement you care to make.

Mr. FREEDMAN. Then in H. R. 5605 in line 12, page 5, referred to the generic name of the natural or manufactured fiber, referring back to the Wooll Labeling Act, as it exists today, generic name under rule 8, page 6, includes wool, reprocessed wool, reused wool.

According to Mr. Harvey Hanna and Mr. Gwynn the Wool Products Labeling Act Division, they say that 5605 precludes the name of reprocessed and reused.

I would like to go on record that it is our opinion that 5605 does not include the words "reprocessed" and "reused" even though the same expression of generic origin is used in both laws, in the law and in the bill.

Am I correct in that?

Mr. MACK. I think that you are quoting from a regulation of the Federal Trade Commission in which they define reprocessed and reused wool. And that probably would not pertain to this legislation.

Mr. FREEDMAN. In other words, the generic name does not—means it is original, not the second step?

Mr. MACK. I think that was the substance of the testimony of the Federal Trade Commission at the time they testified before our committee.

Mr. FREEDMAN. There is only one statement I would like to make that Mr. Silver did not bring in and that is that the importation of cloth from all over the world has been increasing or export of reprocessed and reused has been increasing, our own manufacture had been decreasing to the point that the national association brings out a chart that we are—in the year 1956, we produced a little bit more cloth in our total manufacture than we did in the year 1942 for the Armed Forces alone, to give you an idea of how far we have gone back; whereas the imported cloth has gone up in tremendous supply, and I think it is reasonable to believe that our export clips and knits are coming back to us as all-wool cloth.

Mr. MACK. Did you state that the export of reprocessed and reused wool had increased?

Mr. FREEDMAN. The exports have increased.

Mr. MACK. And the imports have increased?

Mr. FREEDMAN. Imported cloth, the finished cloth, has increased. These are statistics that the Government puts out.

Also we bid for clips that are owned by the United States Government, and they sell these clips which are woven and are reprocessed

as the label is today, and they sell them as is, where is, and you pay the price, you get no label, you just pay if you are lucky to get the product, you pay the price, you get what you buy, you get no label, no designation, and no fiber content.

I am talking now—the seller now is the United States Government.

Mr. AVERY. What is the material you buy, sir?

Mr. FREEDMAN. Clips, reprocessed clips.

Mr. AVERY. What is that?

Mr. FREEDMAN. When the Government evidently makes their Army cloth and the tailors that they have make the suits up on contract, there are resultant waste fibers that have been woven.

Mr. AVERY. I see.

Mr. FREEDMAN. In our trade we have to call them, according to law, reprocessed clip.

Mr. AVERY. I see.

Mr. FREEDMAN. And we are supposed to label them, and we label them, but we don't know what is in them and the United States Government does not tell us. Because it is unworkable, it is very difficult for them to do it, I presume.

Mr. MACK. If you purchase these clips and resell them then you are obligated to determine what is in them?

Mr. FREEDMAN. We tell them to the best of our knowledge it is reprocessed fiber. Even this, we did not get a label when we bought it but we know it has been woven and we presume it's been woven from new fibers and not reused.

When the Government was buying, I think it was, overcoat cloth, and I think they asked for bids on 65 percent wool and I think 35 percent reprocessed or reused, yet when they sold those clips they were sold as clips.

Now the man who did not know that that was reprocessed or reused was put into any laboratory in the world with it, he could not find out what was put into it except by wool boilout which I think will make it workable and make it easier for the buyer to know what he is getting.

Mr. MACK. Does that conclude your statement now?

Mr. FREEDMAN. Yes, sir.

Mr. MACK. Mr. Silver, I would like to know who you represent and what type of business that they are in.

Mr. SILVER. We represent the wool and wool waste trade, which is made up of dealers.

Mr. MACK. What do you mean by "wool waste trade"?

Mr. SILVER. We buy and sell, we buy from and sell to mills as well as buy from and sell to dealers, but the original source of the wool waste, regardless as to whether it was bought from a dealer or had its origin in some mill.

Mr. MACK. Don't you reproduce the fiber as such?

Mr. SILVER. We are blenders of the very same fibers. We blend them, we clean them up, depending on the mills' requirements as to what the fiber should be. There is nothing uniform, there is no certain formula that anyone of us, as dealers, lives by. We all have our own ideas as to how blends should be made, and primarily they are to suit the mill that we sell them to, that is the main and only requirement.

Mr. MACK. It is limited to the fiber?

Mr. SILVER. It is limited to fiber.

Mr. MACK. There is no fabric involved?

Mr. SILVER. That is correct.

We produce nothing or manufacture nothing in the sense of a fabric.

Mr. MACK. I have concluded from Mr. Freedman's statement that you are having competition from other countries which are not required to label material "reused fiber."

Mr. SILVER. If Mr. Freedman conveyed that, I am very certain he did not mean to. Indirectly we are affected because mills who are not able to do business in this country also cannot and do not buy from the particular trade that we are in, and that is the wool-waste trade.

We say that the competition that has been created by the imports of fabrics that have come in here have indirectly affected the wool and wool-waste trade by virtue of the fact that the mills, 200 mills, have gone out of existence since 1948.

We are, let's say, indirectly affected. The mills are first affected.

Mr. MACK. It is competition with the entire industry rather than particularly in your field?

Mr. SILVER. I would say that that would affect the entire industry and we, as being part of that, a segment of that group, would also be affected.

Mr. MACK. Any further questions?

Mr. AVERY. I believe not.

Mr. MACK. Thank you very much.

Mr. SILVER. May we thank you gentlemen.

Mr. FREEDMAN. Thank you.

Mr. MACK. The next witness is Mr. Joseph L. Rubin.

STATEMENT OF JOSEPH L. RUBIN, RESIDENT COUNSEL, POPULAR PRICED DRESS MANUFACTURERS GROUP, INC.

Mr. RUBIN. Mr. Chairman, before I go into the subject matter here I'd like to apologize to the other members of the committee. I only came down with two copies of my statement.

Mr. MACK. Thank you very kindly.

Mr. RUBIN. My name is Joseph L. Rubin, resident counsel of the Popular Priced Dress Manufacturers Group, Inc. I speak here today in behalf of the Affiliated Dress Manufacturers, Inc., the Popular Priced Dress Manufacturers Group, Inc., and the National Dress Manufacturers Association, Inc., which have a total membership of over 900 dress manufacturers, and comprise the entire unit price dress industry of New York. The annual volume of business in the manufacturers for whom I speak is in excess of \$850 million.

But do not let that large money figure be misleading. While the annual volume done is a very substantial figure, we would call to your attention that the average annual profit in our industry is less than 1 percent of net sales. I cite that startling figure to point out that there is no room for absorption of any additional cost of doing business.

And it is the additional burden that would be imposed on us by this bill that constitutes our principal protest against this bill.

This added burden would come in the form of additional labels and additional recordkeeping required by this bill over and above the present statutory requirements.

We state here and now that we, too, are opposed to dishonest labeling, untruth in advertising, and any other frauds practiced on the consumer by unscrupulous business interests.

The question before us is whether the Smith bill will protect the public against such practices. The presentation made here today by the Joint Committee on Labeling of Textiles and Apparel, to which we wholeheartedly subscribe, clearly proves that the public will not be protected or educated by the labeling required by the bill.

That presentation suggests that the consumer is interested solely in the performance of the article he or she buys. The consumer wants to know, for example, whether the garment will shrink out of size, whether it will fade either in sunlight or in cleaning, and several other items of performance.

But why should any of us here today guess what the consumer needs and wants to know at the time he or she purchases a garment? We would suggest that a public survey be made, under Government auspices, to get the the expectations and complaints of the consumer. We rather doubt that this has been done.

We subscribe also to the charge made in that presentation that this bill would afford a free publicity ride to cotton growers and manufacturers of various synthetic fibers having special trade names at the expense of the garment manufacturer.

We object to the attempted use by those interests of the Congress of the United States to require us to pay their advertising and promotion expense. We object most strongly to such an imposition on us, and particularly do we object when the interest of the general public will not be served.

We submit that the consuming public will ultimately be harmed, particularly that segment of the public in the lower income brackets.

It is that segment of the consuming public which purchases the largest proportion of cotton garments. While there are expensive cotton garments, the lowest priced garments available are made of cotton. These garments have not been labeled heretofore.

If labeling of these garments is now required, additional costs for labeling and recordkeeping will be imposed on the manufacturer.

While the manufacturer may not immediately pass along the increased cost, he will ultimately be forced to do so. Thus it will be that segment of the purchasing public least able to pay increased prices for clothing who will be paying for the promotion of cotton and special synthetic fibers.

We again call to your attention the small margin of profit left to us now in order to show you that we will very shortly have to pass along the increased costs that this bill would impose.

We are now required to conform to the requirements of the Wool Labeling Act, the Fur Labeling Act, the Flammable Fabrics Act, and the rayon rules.

All of these require recordkeeping. Most of these require labeling. There is a great amount of overlapping.

For example, under the Wool Labeling Act, if fibers other than wool are combined with wool, those other fibers must be disclosed on

labels; under the rayon rules, if fibers other than rayon or acetate are combined with rayon or acetate, such other fibers must be disclosed on labels.

In addition to all these acts, the Federal Trade Commission has blanket authority to prosecute fraudulent trade practices.

We would strongly suggest that a review of all of these acts be undertaken with a view toward (1) effective protection of the consumer, and (2) reduction or elimination of costly burdens on the manufacturer.

We respectfully submit that the Smith bill ought not to become law and that further study is required. Be assured of our earnest cooperation in such an endeavor.

Mr. MACK. Thank you.

So the record might be clear, I presume that you are not testifying in favor of the other two bills?

Mr. RUBIN. I am only familiar with the Mack bill. I have also read that. Actually, this statement should be deemed to include the Mack bill. I have heard some reference here today to a third bill, but I have not seen a copy of that bill.

Mr. MACK. The third bill is identical to the bill I introduced.

You represent an industry here, popular prices dress manufacturers. Would that be in the area of washable dresses or the lower and medium priced dresses?

Mr. RUBIN. Perhaps you recall the phrase I used, "entire unit price dress industry of New York." There is a segment of the apparel industry known as the house dress field where the garments are sold by the dozen. Those actually come out to be cheaper per unit than our garments.

The popular priced dress manufacturers group, the members of the popular priced dress manufacturers group, produce the lowest priced garments sold by the unit, meaning so many per dress.

Actually, I am talking here today for three associations, and the range in prices runs from the very lowest all the way up to the couturier group, the very expensive dress.

Mr. MACK. A dress group that handles their merchandise other than by trade name?

Mr. RUBIN. Yes. We do not have many manufacturers or opportunity enough to have a trade name known to the public. There are very few manufacturers who are able to afford the promotion campaign necessary to establish a trade name in the mind of the public. There are some but not many.

Mr. MACK. You represent small business concerns, is that correct?

Mr. RUBIN. Yes; that is correct.

Mr. MACK. The merchandise produced by these small concerns does carry some type of a label, is that correct?

Mr. RUBIN. Not all of the garments carry some type of a label. I don't have the exact percentage.

Mr. MACK. It obviously is not unlabeled merchandise that you are representing here today, is it?

Mr. RUBIN. I wouldn't say that the greatest part are unlabeled.

Mr. MACK. You say in your statement:

We are now required to conform to the requirements of the Wool Labeling Act, Fur Labeling Act, Flammable Fabrics Act and the rayon rules.

From that I have concluded that you have some type labeling.

Mr. RUBIN. Yes; we do as to dresses made of those particular fabrics. Of course, there is a substantial quantity of cotton garments produced even in our popular priced field which at the present time are not required to bear a label as to the fiber content.

Mr. MACK. And at the present time that area might not be covered with labels of manufacture?

Mr. RUBIN. That is correct.

Mr. MACK. Do you feel that this would be an undue burden or extreme hardship to include a label in those instances where a label is not presently included?

And I presume that that would be in the lower priced bracket, is that correct?

Mr. RUBIN. I can't unqualifiedly agree or disagree with the way you put your question. You use the phrase "an undue hardship."

Mr. MACK. Yes.

Mr. RUBIN. We would like to point out that we are being hit from many different directions with small increases in costs.

Our industry has now come to the point where it is known as a depressed industry. We were just up in Albany last week opposing a bill that would increase unemployment insurance taxes from 2.7 percent up to 3.5 percent.

The argument was made there this is a small increase, what can it amount to, but we are hit with these increases all of the time.

We pay, in addition to cost of direct labor, we pay to union welfare funds six and a half percent of payroll. Costs of labor have continually gone up. We are continually being hit by these increased costs, and I would like to point out that we are not able, for the most part, to pass these increases along in the amount that the increases amount to.

By that I mean this: That the retailers are used to purchasing dresses that will fit in a certain well-known and long-standing price range, \$5.75.

If our costs don't permit us to produce a dress for \$5.75, the retailer doesn't want to pay \$6, doesn't want to pay \$5.81; \$6.75 is the next price range. That is what happens.

Each one of these smaller increases reduce our profit in the price range in which the manufacturer finds himself. Once the margin of profit is eliminated, he has to jump up into the higher price range.

I don't want to go into the difficulties that he faces after he does that, but he practically gets lost as far as the buyer is concerned.

Mr. MACK. Well, the committee especially appreciates the problems of small business. We realize that there are other factors that will determine the price other than labeling, and you have mentioned some of them.

We realize also that the price of the cost of labor is quite important in your industry. As the costs go up, you either have to reduce your margin of profit or increase the price of your garment, and I presume that you have found that necessary, to increase the price of those garments at various periods over the last 10 years.

Mr. RUBIN. That is correct.

Mr. MACK. But today we are particularly interested in the labeling problem, and we would appreciate any comment that you care to make as to the actual cost or the burden of the textile labeling bill on your

industry, how much it would affect the industry or the individual item produced in your industry.

Mr. RUBIN. I am sorry, I don't have any actual figures prepared to give to you today. We merely do know this, that there would definitely be increased labor cost in attaching the labels, No. 1.

No. 2, there would be additional bookkeeping costs. The bookkeeper is burdened quite a bit today. Several, I would say a great proportion of our dress manufacturers, have traditionally employed only 1 bookkeeper, but as more and more records have to be kept, that 1 bookkeeper either demands an assistant bookkeeper or demands an increase in pay.

Mr. MACK. Thank you very much. We have enjoyed your testimony.

Mr. RUBIN. Thank you.

Mr. MACK. Our colleague, the gentleman from Mississippi Mr. Smith, agreed to comply with the request we made on the other witnesses testifying here today, and therefore he is going to submit his statement for the record, and I have asked Congressman Smith to make a few comments here if he so desires before we adjourn.

STATEMENT OF HON. FRANK E. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. SMITH. Mr. Chairman, I won't read this statement which I have submitted, but I would like to comment first of all about a couple of things that have been brought up here, stressed at the hearing, that I didn't comment on in this statement.

This business about the imports and the impossibility of enforcement of H. R. 469 as written, as was mentioned this morning, I think, is completely unrealistic.

Mr. MACK. We are very glad to have your views on that.

(The prepared statement of Mr. Smith is as follows:)

FURTHER STATEMENT BY REPRESENTATIVE FRANK E. SMITH ON H. R. 469, 85TH CONGRESS, TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Mr. Chairman, I appreciate the opportunity to offer a concluding statement at these hearings and to express my views concerning the testimony presented and the suggestions made with respect to H. R. 469. I have been pleased, indeed, by the appearance before this committee of so many groups in favor of H. R. 469, and I have particularly appreciated the informed and attentive manner in which the committee has conducted these hearings.

I have carefully considered the statements offered here, in relation to the objectives we seek to achieve in the Textile Fiber Products Identification Act, and I believe that some of the suggestions we have heard have genuine merit. Inevitably, there have been other suggestions with which I cannot concur, because I do not believe that they would serve the best interests of the American consumer.

A number of statements have been made, pro and con, with respect to possible repeal of the Wool Products Labeling Act. I feel now, as I have felt throughout the drafting of H. R. 469, that repeal of that act, in whole or in part, would be a disservice to the American consumer, and I cannot agree with the views of those who seek to wipe out the protection it has afforded.

I do believe, however, that the statements presented by two of the country's leading producers of manufactured fibers make it clear that greater comparability between the Textile Act and the Wool Act is needed, in that, for textiles generally, we should make provision for distinguishing between new, reprocessed, and reused fibers. I would like to recommend, therefore, that H. R. 469 be amended to provide for definitions of reprocessed and reused fibers and for the labeling of those fibers as such.

DuPont and Chemstrand appeared here to recommend that this distinction be provided specifically in the case of the manufactured fibers. In the interests of standardization and simplicity of regulation, it is my suggestion that these distinctions be written into the act covering all fibers, even though the problem that the distinction seeks to meet does not now exist with some of them.

The inclusion of the reprocessed and reused categories for labeling purposes will also take care of a problem that has been the subject of concern to a number of people in the industry, even though it has not been discussed here thus far. It seems quite likely that H. R. 469, as presently written, leaves the way open for textile manufacturers to use waste fibers without having to identify them as such in any way.

There are many kinds of fiber in the industry to which the term "waste" is applied, and it means many things. I understand, for example, that the term is applied to what we have been discussing here as "reprocessed" fibers, and that it is also applied to what would be the layman's usual understanding of waste materials. Both are used in the textile industry, though for different purposes, and by including the reprocessed and reused categories, the Commission will have a basis for regulations requiring the identification of waste materials similar to the regulations issued under the Wool Act.

It seems to me that these hearings have made it clear that performance labeling is beyond realization, however ideal it might be, and that percentage content disclosure is essential to adequate protection of the consumer, particularly when it is coupled with the educational programs of the industry itself regarding the characteristics of the various fibers.

Along this line, I should like to mention that some retailers are already voluntarily labeling their merchandise. I am familiar with one retailer here in Washington, for example, who writes on the back of the size/price tag on each garment the fiber content of that garment and the percentage of each fiber present. This seems to me a very good indication that this information is easily available to retailers, and that they can pass it along to their customers without any great amount of trouble.

As one phase of the general question of disclosing the percentage fiber content, the Federal Trade Commission has suggested that enforcement of the act would probably not require that percentages be included in advertising. I do believe that percentage disclosure in advertising would tend to cut down or misleading language in advertising. I recognize, however, that the requirement could pose problems in radio, television, and small-space written advertising, and I know the committee will want to consider whether the advantages to be gained by the inclusion of percentages in advertising will outweigh the difficulties that could be created for the industry in the advertising field.

The recommendation has also been made, with respect to advertising, that the misbranding provisions of section 4 of the act not be limited to written advertising, and this is a recommendation with which I concur. I believe that H. R. 469 should be amended to cover all advertising and sales representations, whatever form they may take.

I also agree with the suggestion of the Commission that section 4 (d), which permits the use of information on the label other than that required by the act, should be amended to provide that the additional information may be used only so long as it is not deceptive and does not otherwise violate the act.

There is, however, one danger in such an amendment, in that it confers on the Federal Trade Commission the power to say whether performance characteristics alleged on the label are accurate, when it has been clearly brought out in these hearings that, at this point at least, no one can adequately determine performance standards for all fabrics. The added protection afforded by this amendment will be worthwhile only so long as the Commission acts reasonably in deciding what is or is not deceptive. There apparently has been little or no trouble in this respect in administering the Wool Act, and I hope that will be the case in administering the Textile Act.

One of the major recommendations made during the course of these hearings is that H. R. 469 be amended to shift the burden of proof, insofar as the misbranding of unavoidable variations in manufacture is concerned, from the Commission to the manufacturer. If this section of H. R. 469 as presently written would make it difficult for the Commission properly to enforce the act, I certainly want to see it amended to make it enforceable. I do feel, however, that some protection for the manufacturer in this situation is essential, to ensure that he will not be harrassed for minute percentages of deviation.

Industry representatives have indicated to me that variations beyond 4 or 5 percent can be controlled, and I would like to recommend that H. R. 469 be amended to meet the Commission's request, but in a manner that would specifically require that the Commission establish reasonable tolerances, so that manufacturers will know that they need not fear being called upon to prove that variations under these tolerances were not deliberate.

The Commission has also recommended, although they apparently do not feel strongly about it, that the enforcement provisions of the act should include the power of condemnation and seizure. I do not believe that this power is necessary in this field. Condemnation and seizure may indeed be a deterrent to violation of the act, but it is a very strong power, and I think the Commission would agree that it can act with appreciable speed under the injunction provisions of the act if it is faced with a willful violation that calls for prompt and effective measures.

If we were dealing here with a field involving the immediate physical safety of consumers, as is true with respect to foods, drugs, or flammable products, I would readily agree that seizure power were justified, but in the broad field of textile products generally, I do not believe it is essential.

Some groups have appeared before the committee seeking exemption from coverage under this legislation, including the furniture manufacturers. The facts developed through their formal statements and the questions asked by the members of the committee have demonstrated, I think, that labeling will not be a hardship on the furniture industry, and that they already use manufacturing procedures and labels which will make compliance with the act a comparatively simple matter. I believe the consumer is entitled to the added protection of furniture labeling, and I hope the committee will keep in mind the long-term investment nature of furniture to the consumer when it considers the exemption request of the furniture group.

The fur farm organization's request that provision be made in this act for the protection of natural furs against misleading advertising by the synthetic fur manufacturers is an understandable one. I do not believe, however, that specific language is needed to achieve their purpose if H. R. 469 is enacted. The synthetic furs are textile products; they will have to be labeled, and their advertisements will have to carry the information required by the act. The Federal Trade Commission will be in a position to proceed against local advertising if H. R. 469 becomes law. Thus the protection sought is already afforded in this legislation, without putting the Congress in the position of attempting to regulate the day-to-day language of the advertising business.

There is one other request for amendment that I would like to discuss. The thread institute has suggested that all threads—household, industrial, and handicraft—be excluded from the act. H. R. 469 already exempts sewing threads, and it is not intended to cover industrial-use threads at all, just as it is not intended to cover industrial-use fibers. But handicraft threads are covered, and I believe they should be subject to labeling. When the consumer buys handicraft threads to knit a sweater, or to make a rug, or for some similar purpose, I think she should know whether she is getting wool, or cotton, or a manufactured fiber, or a combination of those fibers.

The ladies in our families put a lot of work into these hand made things, and how their work will stand up is dependent in part upon the materials they use. Handicraft threads are already labeled and there would be, so far as I can determine, no great hardship in complying with the act.

For the convenience of the committee, I have prepared and would like to submit with this statement proposed language for the amendments to H. R. 469 that I have outlined here. If I can be of assistance to the committee and its staff in working out other amendments that the committee believes are desirable, I will be glad to do that.

PROPOSED AMENDMENTS TO H. R. 469 SUBMITTED BY REPRESENTATIVE FRANK E. SMITH, APRIL 27, 1957

Page 1, line 10, and page 2 lines 1 through 6, substitute the following section 2 (b) for the present section 2 (b) :

"(b) The term 'fiber' or 'textile fiber' means a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, brading, felting, twisting, or webbing, and which is the basic structural element of textile products."

Page 2, lines 13 and following, insert the following new subsections (e) and (f) in section 2, and revise the lettering of the present subsections (e) through (m) to (g) through (o) :

"(e) The term 'reprocessed fiber' means the resulting fiber when a natural or manufactured fiber has been fabricated into a fabric, which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

"(f) The term 'reused fiber' means the resulting fiber when a natural or manufactured fiber or reprocessed natural or manufactured fiber has been fabricated into a fabric, or a textile fiber product, which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state."

Page 4, line 3, delete the period following the word "form" and insert there-after the words "prior to use."

Page 7, lines 8 through 16, substitute the following section 4 (b) (1) for the present section 4 (b) (1) :

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural, manufactured, reprocessed, or reused fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 percent or more of the total fiber weight of the product. The generic name of each reprocessed and reused fiber shall be followed immediately by '(reprocessed)' or '(reused)' with equal prominence, as the case may be. Nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name."

Page 8, lines 1 through 7, in section 4 (b) (2), substitute for the present proviso beginning on line 1 the following language :

"*Provided further*, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission : *And provided further*, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification."

Page 8, line 18, and lines 20 and 21, delete the word "written" before the word "advertisement" in each instance, and insert after the word "advertisement" in each instance the words "or other representation."

Page 9, lines 1 and 2, substitute for the present language of lines 1 and 2 on page 9 the following language : "Or advertisement may contain other information provided the other information is not deceptive and does not violate the provisions of this act."

Page 18, lines 1 and 2, substitute for the present language of lines 1 and 2 on page 18 the following language :

"The exemption provided for any article by paragraph (2) or (3) of this subsection shall not be applicable if any."

MR. SMITH. If it is not possible for the person selling the merchandise who would be subject to the Federal Trade Commission Act to furnish the information, as the witness implied, the retailer or the seller won't be allowed to sell the merchandise. That is all it boils down to.

If he can't meet the labeling requirements, he can't sell the merchandise. If I have any knowledge of the position of this Wool Manufacturers Association about the imports, well, that ought to be what he is looking for anyhow, to keep people from importing the stuff.

In other words, I don't believe that he believes that it is impossible for the information to be furnished on the label, because if it were impossible, it would result in a ban on imports, because the law, the bill as written, requires that this information be furnished on the label or else the people selling it would be barred from selling it.

I think that has been built up as another bug-a-boo to try to imply additional troubles with this legislation. The idea of furnishing the

country of origin, requiring the country of origin to be placed in the bill, was to help clarify some of this misconception about foreign competition and so forth that exists.

If there is any real problem, the bill as written will improve the situation. It won't necessarily solve it but it will certainly be better than what it is now.

Once again, the problem has been referred to about the additional cost of labeling, but nobody has furnished any information about any cost.

These so-called unlabeled dresses that would be sold are sold today with some type of label. The man who makes them sells them in some sort of packaged form which has some sort of bill of lading, invoice, or something when he sells them to somebody and they are not far away from being labeled now.

Of course, as you know, in both bills that have been introduced there is a full provision in there that existing labels can be used up, to prevent there being any cost to the manufacturer or the person preparing the label.

In addition, my prepared statement which I left with you before includes some suggestions that I make about amendments to the bill in line with some of the testimony and some of the questions that have been raised in the hearing.

As I say in the prepared statement, I want to thank you for the very fine way in which this overall hearing has been conducted, to give everybody a full opportunity to present their position on this.

Mr. MACK. Thank you very much, Mr. Smith. Your amendments are included in your statement, I take it?

Mr. SMITH. That is right.

Mr. MACK. Do you have any questions?

Mr. AVERY. No; I believe not, except to express our gratitude to our colleague for the assistance he has rendered this committee.

I think he has attended almost every session the committee has had, and his advice and counsel have been very helpful.

Mr. MACK. Thank you very much, Mr. Smith. We certainly appreciate your cooperation and your very fine statement.

Mr. SMITH. Thank you, sir.

Mr. MACK. That concludes the hearing on the labeling legislation bills and the committee will stand adjourned.

(The following letter was submitted for the record:)

NEW YORK NEIGHBORHOOD CLEANERS ASSOCIATIONS,
New York, N. Y., March 14, 1957.

PETER F. MACK, Jr.,

Chairman, Subcommittee on Commerce and Finance,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN MACK: We regret that you have concluded your hearings without having given us an opportunity to be heard. Our negligence in not following the Congressional Record was due to the letter written by former Congressman Arthur Klein advising us that we would be notified.

Our opinion in the matter of labeling textile fabrics used as wearing apparel has, in our opinion, considerable weight because dry cleaners are responsible for the maintenance of a substantial part of the Nation's wearing apparel.

We believe that labeling the garment should be by means of sewn-in label rather than a disposal label. The consumer seldom saves or brings to the cleaner a loose tag which is attached to the garment. Hence, hanger tags or loose labels have extremely limited value.

A valid point has been made by some opposing labeling that the mere statement of the percentage of fiber content sometimes has little value in determining

serviceability of a fabric. For example an all-wool fabric that has not been pre-shrunk will be worthless after cleaning although it was marked 100 percent wool. Another example is an all-nylon dress that has been printed with a nonfast dye will be worthless after cleaning although it was marked 100 percent nylon. We could give you literally hundreds of such examples.

It is our opinion that garments should be labeled as to cleaning instructions. If the manufacturer does not choose to test his garments for cleanability then he should so mark the garment. Any of a number of reasons can render a garment unserviceable.

1. Fabric unsuited for end purpose. Example, a thin yarn in a heavy appearing garment.

2. Nonfast dye on an otherwise serviceable fabric.

3. Finishes which have been added to add sales appeal which substances are removed during cleaning.

4. Buttons and trimmings which lose dye and transfer the dye to the fabric.

5. Claims that a garment has certain permanent features which claims are untrue. For example, permanent pleats in fabrics which do not contain a sufficient percentage of fiber which can be fused into permanent pleats.

Too often, the manufacturer uses the public as guinea pigs in the present textile technological revolution. We are in favor of these changes but we feel that the manufacturer has an obligation to the public to state that his product has not been tested. Caveat emptor too often means "blame the dry cleaner."

Very truly yours,

FRANK POLLATSEK, *Executive Director.*

(Whereupon, at 3:40 p. m., the committee adjourned.)

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TEXTILE LABELING LEGISLATION

HEARINGS BEFORE THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE UNITED STATES SENATE

EIGHTY-FIFTH CONGRESS

SECOND SESSION

ON

H. R. 469

TO PROTECT PRODUCERS AND CONSUMERS AGAINST MIS-
BRANDING AND FALSE ADVERTISING OF THE FIBER
CONTENT OF TEXTILE FIBER PRODUCTS,
AND FOR OTHER PURPOSES

FEBRUARY 24, 25, 26, AND 27, 1958
WASHINGTON, D. C.

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TEXTILE LABELING LEGISLATION

MONDAY, FEBRUARY 24, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The committee met, pursuant to notice, at 10:30 a. m., in Room G-16, United States Capitol, the Honorable Warren G. Magnuson, chairman of committee, presiding.

The CHAIRMAN. The committee will come to order.

We have before us S. 1616 and H. R. 469.

(S. 1616 and H. R. 469 follow :)

[S. 1616, 85th Cong., 1st sess.]

A BILL To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile Fiber Products Identification Act."

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which has a length of at least one hundred times its width or diameter, which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings of a type customarily used in a household regardless of where used in fact, beddings, and household textile goods.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wood Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotion material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*, That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDED AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission: *And provided further*, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on the tag, stamp, label, or other identification.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is in an imported textile fiber product, whether in its original state or contained in other textile fiber products, the name of the country of origin.

(c) For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b) (1) and (2) is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated.

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label,

or other identification required by this act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

(b) any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce, may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag, label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this act shall maintain proper records showing the fiber content as required by this act of all such products made by him, and shall preserve such records for at least 3 years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least 3 years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this act; and any such person violating the provisions of this act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this act.

(c) The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this act, as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act; and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 9. All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 4 of this act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930 shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of, or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this Act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in such form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12 (a) None of the provisions of this Act shall be construed to apply to—

- (1) upholstery stuffing;
- (2) linings or interlining incorporated primarily for structural purposes and not for warmth;
- (3) filling or padding incorporated primarily for structural purposes and not for warmth;
- (4) stiffenings, trimmings, facings, or interfacings;
- (5) backings of floor coverings;
- (6) sewing thread;
- (7) bandages and surgical dressings;
- (8) waste materials not intended for use in a textile fiber product;
- (9) textile fiber products incorporated in shoes or overshoes or similar outer footwear;
- (10) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys.

The exemption provided for any article by paragraph (2), (3), or (6) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 15. This Act shall take effect 18 months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within 9 months after the enactment of this Act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this Act.

[H. R. 469, 85th Cong., 1st sess.]

AN ACT To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile Fiber Products Identification Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, bedding, and other textile goods of a type customarily used in a household regardless of where used in fact.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules, and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(d) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this Act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotional material, except the manufacture, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*, That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this Act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission: *And provided further*, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is an imported textile fiber product the name of the country where processed or manufactured.

(c) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product,

unless such written advertisement contains the same information with respect to fiber content as that required to be shown on the stamp, tag, label, or other identification under paragraph (1) of section 4 (b).

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this Act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this Act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this Act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

(b) Any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this Act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce, may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag, label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this Act shall maintain proper records showing the fiber content as required by this Act of all such products made by him, and shall preserve such records for at least three years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least three years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) The Commission is authorized and directed to make rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this Act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 9 All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 4 of this Act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this Act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of, or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this Act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products, sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12. (a) None of the provisions of this Act shall be construed to apply to—

- (1) upholstery stuffing;
- (2) outer coverings of furniture;
- (3) linings or interlinings incorporated primarily for structural purposes and not for warmth;
- (4) filling or padding incorporated primarily for structural purposes and not for warmth;
- (5) stiffenings, trimmings, facings, or interfacings;
- (6) backings of floor coverings;
- (7) sewing thread;
- (8) bandages and surgical dressings;
- (9) waste materials not intended for use in a textile fiber product;
- (10) textile fiber products incorporated in shoes or overshoes or similar outer footwear;
- (11) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys.

The exemption provided for any article by paragraph (3), (4), or (7) of this subsection shall not be applicable if any representation as to their content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 15. This Act shall take effect eighteen months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within nine months after the enactment of this Act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this Act.

Passed the House of Representatives August 14, 1957.

Attest:

RALPH R. ROBERTS, *Clerk.*

The CHAIRMAN. We have many witnesses on these bills, so we will start now. Additional members are on their way.

The Chair would like to make a brief opening statement for the record.

The committee, of course, will take testimony on this proposed legislation which is designed to protect producers and consumers against false advertising of the fiber content of textiles. The bills were introduced during the first session of this Congress.

The Senate bill, S. 1616, was introduced by Senator Hill, for himself and Senators Magnuson, Monroney, and Stennis. Both Senator Stennis and Senator Hill will testify during these hearings.

The House bill, H. R. 469, was introduced by Congressman Frank Smith of Mississippi, and was passed by the House on August 14 of last year. Congressman Smith will also testify. Several amendments were made in the House bill, some technical in nature, to clarify the legislation. Others, such as exempting outer coverings of furniture, are important to the scope of the bill.

I understand that other amendments will be suggested here. There were some amendments suggested to the House committee and rejected. Of course that doesn't mean that we will not take them up as suggestions to the Senate bill. Technically, the hearing will be on the Senate bill. We will see at the end just how close we can come with the Senate version and the House version.

We have other laws on the books designed to protect our citizens from misinformation. The Wool Products Labeling Act of 1939 and the Fur Products Labeling Act of 1951 are examples, and of course the whole gauntlet of food and drug legislation—which also comes before this committee.

Probably it could be generally said that the bills before us today would extend to the textile fiber field the protection of the other acts given in these other fields.

As I said, we have many witnesses. We will do our best to hear you all. We would be grateful if you would make your testimony as short as possible. If you find that your testimony might become repetitious of some other witness' testimony who preceded you, if you will alter it to that effect, we will see of course that all the testimony gets into the record, even though we might not hear it personally.

Our first witnesses today, as is customary in the Senate, the Senators who are interested. We will hear them first.

Senator Stennis, I know that you have another very important meeting. We will be glad to hear from you on this bill at this point.

Senator Stennis, from Mississippi.

**STATEMENT OF HON. JOHN STENNIS, A UNITED STATES SENATOR
FROM THE STATE OF MISSISSIPPI**

Senator STENNIS. I appreciate the opportunity to appear before this committee in support of Senate bill 1616, which I cosponsored with Senators Magnuson, Hill, and Monroney. The bill provides for proper labeling of textiles as to their fiber content.

There has been a growing concern over the need for labeling of textiles, especially during recent years when the blending of fabrics has become a common practice.

There are two reasons for this concern :

(1) The consumer must be protected. With proper fiber identification of textiles, consumers, when they buy, can be sure of getting a product of known identity.

Synthetic fibers are frequently blended with cotton for the alleged purpose of gaining added strength or crease resistance, but some blending is done to take advantage of the lower price of synthetics, at the present time 6 to 10 cents a pound cheaper than cotton.

It has been revealed that fabrics of this lower priced synthetic-cotton blend are often not as serviceable as all-cotton products. I understand that this blended fabric does not stand up under hard wear and laundering as well as an all-cotton product.

When fibers other than cotton are used for the purpose of improving strength or crease resistance, often the amounts actually used are too small to accomplish the purpose.

In other words, these blends, as I understand, are used primarily for the purpose of labeling in order to take advantage of the functional value of the so-called miracle fibers.

Mr. Chairman, I want to make clear that this is not an attack on these other fibers or any assertion that they do not have their place. That would have to be fought out in the competitive market. This bill is to identify and make certain the various quantities that are used and thereby protect the consuming public so that they will know exactly what they are getting.

A second reason for the need of this bill is that cotton must be protected from unfair competition. I am convinced that it can have this protection only through legislation requiring that the true fiber content of textile products be disclosed or spelled out. Senate bill 1616 is a necessary step in the right direction. For many years the wool industry has had the protection of a similar mandatory labeling requirement. I understand that that bill has worked quite well, both from the standpoint of the consumer and the standpoint of the wool producer.

Our cotton industry needs no less and asks no more. There is a reasonable and practical solution to the problem. For instance, the fiber content of a textile product need not be identified until the product is in a form in which it reaches the consumer. Labels already

provided in today's marketing processes on most textile products—these labels identify size, retail names or trademarks, manufacturing names or trademarks, or brands. For these products our legislation will require, simply that percentages of each fiber contained in the product be so disclosed on the same label.

Our bill does not propose the extreme requirement for labeling small ornamentation on textile products or linings, inner linings, paddings, trimmings, facings, hats, shoes, handbags, and so forth.

By way of summary and in conclusion, the consumer needs and deserves this protection. Our conformers in the cotton industry need and should have the same protection as the wool industry. I strongly urge this legislation receive the approval of your committee at the earliest possible date.

I thank the committee for the consideration I know they will give this major piece of legislation for the consumers and for the producers.

I appreciate the time that you have given me. And without indulging on the committee any further, unless there are some questions, I have concluded my testimony.

The CHAIRMAN. Senator Stennis, you are familiar with the House bill, of course, introduced by one of your colleagues from Mississippi?

Senator STENNIS. Yes, Congressman Smith has worked on this matter very diligently and effectively.

The CHAIRMAN. There is a Senate bill, of which you are also one of the cosponsors.

Senator STENNIS. Yes.

The CHAIRMAN. Would you suggest that the committee direct itself to the House bill as a matter of practicality—

Senator STENNIS. Yes.

The CHAIRMAN. More than the Senate bill, and try, if we agree on the general purposes of the bill, to put the two together and pass the House bill?

Senator STENNIS. That would be a very practical approach to it. To get results is the objective. I think that that is a very sound approach and I would appreciate the committee taking that very practical attitude on it.

The CHAIRMAN. In other words, we who introduced the bill in the Senate have no particular pride of authorship. We want to get some legislation.

Senator STENNIS. That is correct; we want the legislation. I would be glad to see you approach it from the House bill viewpoint. Thank you very much.

The CHAIRMAN. Are there any questions of Senator Stennis?

If not, we thank you.

The Senator from Maine, who is a member of the committee, also wants to discuss the bill in an opening statement.

Senator PAYNE. Mr. Chairman, if it is agreeable to you and members of the committee, I would like to defer to Congressman Smith. It may be that he also has matters that he would like to attend to and still get a record in here. I will be with the committee anyhow.

The CHAIRMAN. Do you want to put your statement in the record at this point?

Senator PAYNE. I will do that.

The CHAIRMAN. And then you can discuss the matter as we go along.

**STATEMENT OF HON. FREDERICK G. PAYNE, A UNITED STATES
SENATOR FROM THE STATE OF MAINE**

Senator PAYNE. Mr. Chairman, before discussing the bill which is under consideration this morning, I want to express my appreciation to you and my distinguished colleagues on the committee for permitting me to sit in two seats—that is, as a regular member of the committee and as one of the witnesses. It is indeed a privilege for me to help lead off these hearings on a measure which, in my opinion, is of very great importance.

A study of H. R. 469, the Textile Fiber Products Identification Act, reveals that it would contribute immeasurably to the benefit of virtually the entire Nation. Its primary purpose is to protect the American consumer. It will do this by requiring that all textile fabrics be labeled so as to state clearly and honestly their exact fiber content. This will be registered in terms of precise percentages if two or more fibers are used, so that the American consumer will know what he is buying.

As we all know, not all natural and synthetic fibers have the same properties. They differ in quality, in texture, and in strength. At the present time it is possible for a manufacturer to use any natural or synthetic fiber either alone or in combinations without disclosing to the consumer the exact fiber used or the precise proportions in which two or more fibers are mixed to make a fabric. Mr. Chairman, Congress owes it to the American consumer to pass legislation which will let him know what he is buying.

Beyond the value of this legislation to the American consuming public, other important benefits will be derived from H. R. 469. It will protect the American cotton farmer and textile worker whose produce must compete with lower priced, often lower quality synthetics. It will protect the producers of quality synthetics against reputation-damaging producers of textiles who advertise their fabric as containing quality fibers when in fact they do not contain them. H. R. 469 will also protect the reliable textile manufacturers against cost-cutting, quality-cutting practices of less reliable manufacturers, because the consumer will be aware of the exact content of the fabric he is buying. This very important benefit to the manufacturers taken on added significance in view of the highly competitive nature of the industry and adds to the already strong arguments favoring its adoption.

In addition to these contributions of H. R. 469, Mr. Chairman, there is another feature of the bill which highly recommends it. This is the provision which requires that all foreign-made fabrics conform to the same labeling standards as domestic fabrics. Not only would the fiber content of an imported fabric be disclosed, but the country of origin would also be shown. This would also apply to textile products manufactured in this country from imported foreign fabrics, as well as to textile products of foreign manufacture. The American consumer, therefore, will know not only what his textile product is made of, but also where it was made.

The desperate battle for survival forced upon the domestic textile industry by the rising volume of imports demands that every method of restoring competitive equality in American markets be explored. This bill offers an excellent step in this direction. H. R. 469 is unique

in this respect because it prescribes the same regulations for foreign-made goods as for domestically produced fabrics. Most earlier legislation of this type has made little or no mention of imported goods, while setting detailed standards for American-made products. Under this bill importers of fabrics who fail to conform with its requirements could be prohibited from further importation of textile products and would be subject to enforcement action by the Federal Trade Commission just as are our domestic producers. This feature of the bill takes on even greater significance for States such as Maine where large segments of the population are dependent upon the textile industry for their means of livelihood and where thousands are already unemployed largely as a consequence of foreign textile imports.

Therefore, because of the importance of H. R. 469 to the American consuming public, the American cotton farmer and textile worker, the manufacturer of quality synthetics, the reliable textile manufacturer, and the entire textile labor population, it is my hope that following the conclusion of these hearings the committee will act promptly to recommend this bill to the Senate in order that it may become law this year.

The CHAIRMAN. Congressman Frank E. Smith, of Mississippi, is our next witness, author of the House bill, H. R. 469.

STATEMENT OF HON. FRANK E. SMITH, REPRESENTATIVE IN THE UNITED STATES CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. SMITH. I don't have a detailed statement because a very adequate explanation of the bill has been made by Senator Stennis, and I am sure Senator Hill, another coauthor, when he testifies, will give something along that line.

The bill is designed to give for all remaining fiber products the same sort of information now available to the consumer in connection with wool products. It was found that the most effective way to provide that requirement would be through this bill applying to all other textile fiber products.

Senator BRICKER. Is this substantially in the same form as the wool bill?

Mr. SMITH. Substantially the same form. We considered it from the point of enlarging the Wool Act, but it was thought that might open up too many other factors that might jeopardize the effective working of the wool bill. This is designed to give more or less the same type of coverage for all other fabrics.

Many proposals were made in the House to the House committee about various exemptions, various changes in this bill. I think the House committee very wisely rejected any major exemptions from the bill because it was felt that it would accomplish its purpose without any great hardship to any manufacturer or any element of the textile industry.

The CHAIRMAN. Frank, let me ask this for the record. As we analyzed it, the exemptions in the House bill were: (1) For upholstery stuffing; (2) outer covers of furniture; (3) linings or interlinings; (4) fillings or stuffings; (5) stiffenings, trimmings, facings, and interfacings; (6) backings of floor coverings; (7) sewing thread;

(8) bandages and surgical dressings; (9) waste materials not intended for use in a textile fiber product; (10) textile fiber products incorporated in shoes or overshoes or similar outer footwear; and (11) textile fiber products incorporated in headware, handbags, luggage, or toys.

What I want to ask is, were these exemptions in your original bill, or were they put in by the House committee?

Mr. SMITH. They were in the original bill. The only exemption that the House committee added was furniture.

The CHAIRMAN. By furniture, you mean outer coverings of furniture?

Mr. SMITH. That's right.

In regard to these exemptions—while we are at that point—Mr. Chairman, I would like to make a recommendation in regard to those exemptions that has come up since the House acted on this bill. Information about the subject is more readily available to me.

On page 17, line 23, there is an exemption provided for backings of floor coverings. That was put in the bill, as I originally introduced it, with the understanding and belief that the backings of floor coverings were not a significant part of the wearability of the floor coverings; in other words, that they didn't affect rugs or for that matter didn't affect significantly the quality of the product.

But information has been given to me from the industry that indicates that it is an important factor. I would like to suggest to the committee that they consider very strongly the possibility of taking out that exemption, because I believe that from what I have been able to find out that it is an important factor to the consumer to know what the backing of the rug is as well as the top, and he should be entitled to that knowledge.

I want to strongly urge that the committee not make any changes that would in any way make it take out the requirements for the retailer in regard to his observance of the law. From my conversations with the Federal Trade Commission and the people involved with the bill, there has to be this requirement of regulations that the retailer will have to observe which are not by any means excessive. They are felt today in connection with other similar laws. And of course there has to be some power to move against people who fail to cooperate in this field.

I think that the bill will be of great service to the American consumer and to all of the industry concerned. If you act on the bill along these lines I believe that it will be a satisfactory piece of legislation from every standpoint.

The CHAIRMAN. Congressman Smith, your bill provides that the legislation become effective 18 months after enactment. Do you have anything to suggest on that at this time or do you feel that that is a reasonable time to phase into this?

Mr. SMITH. I think perhaps actually it goes a little too far. It was put in originally with the idea that there would be no question that anybody would be penalized by having any stock, or any trouble in putting the requirements into effect. Actually there is a further requirement that stock on hand wouldn't even be covered.

The bill has been authorized to be aired in all the trade circles for well over a year and there has been plenty of warning about the

fact that it is being considered by the Congress, having passed the House.

I think it would be worth the committee's time to study the possibility of making that effective date just 12 months instead of 18 because there is another provision in the bill which protects any retailer or anybody from being penalized because he might happen to have some unsold stock. He can keep that indefinitely and still use it.

The CHAIRMAN. Did the Federal Trade Commission testify in the House?

Mr. SMITH. Yes.

The CHAIRMAN. What was their comment generally? For the bill?

Mr. SMITH. Their general comment was in favor of the bill.

The CHAIRMAN. I ask this question personally because I happen to be on the committee that handles their appropriation. Did they give any testimony as to how much it would cost to enforce this bill?

Mr. SMITH. They didn't give a specific estimate. I think, as I recall, they did estimate that perhaps the cost would be about \$100,000, if they give what they term "effective enforcement."

The CHAIRMAN. And that is what they would ask for?

Mr. SMITH. That is the presumption I would make.

The CHAIRMAN. The Department of State suggested an amendment on that subsection, as I understand it, that would require that on imported textile fiber products only the name of the country where it is processed or manufactured be shown. Was that put in the House bill?

Mr. SMITH. That was in the House bill. There was some amendment made in the committee over there. The whole idea is that it is reasonable to require some knowledge of the country of origin be made available on the label.

We agree with the idea of the House committee, and those of us who are interested in the bill is that we want to show the country of origin; we don't want, by the label, to make any undue hardship upon any import provision. But at the same time, we thought it was fair to require the country of origin to be shown.

The CHAIRMAN. I merely pose this question, and maybe you can give me some light on it. Why should we require our American manufacturers to go to this extra work—and it is extra work, and it is probably very desirable—to put on the percentages of fibers in the garment or whatever it may be, and say to importers you don't have to do it?

Mr. SMITH. Certainly we should have the same requirements there.

Senator BRICKER. The only thing they ask is that it be identified as to the country from which it came?

The CHAIRMAN. That is all they ask, that they indicate it was made in X country, but they don't say what is in it.

Mr. SMITH. There should be the same requirement for the same type of information as to the fibers on any product.

Senator BRICKER. The State Department opposed putting that—

Mr. SMITH. The Department opposed putting in the name of the country of origin.

Senator LAUSCHE. Did it oppose making a statement as to what its contents were?

Mr. SMITH. That was the import of the suggestion about some of the imported fabrics—that it would have that effect. I don't think there was any consideration of that idea of making an exemption.

Senator LAUSCHE. The bill, as it came from the House, does not give an exemption to a foreign product? The law is equally operative on all?

Mr. SMITH. That's right. The only differential would be that a product from the foreign country would have to show the country of origin, as in the House bill.

The CHAIRMAN. In other words, add to what they put on the label that it also is made in X country?

Mr. SMITH. That's right.

Senator LAUSCHE. What relationship does the identification that it was made in X country have to insuring the public that it will not be misled because of improper material in it?

Mr. SMITH. There is no direct relationship, I don't think.

The CHAIRMAN. The Federal Trade Commission testified. Did the Secretary of Commerce testify?

Mr. SMITH. No, sir.

The CHAIRMAN. The report indicates that they are against the bill.

Mr. SMITH. There was no testimony.

The CHAIRMAN. I guess that wouldn't be quite a fair statement. They also say that they think there should be an overhauling of all labeling acts—that is, the Fur-Labeling Act, the Wool-Labeling Act, and all of them. They went further than this bill.

Mr. SMITH. That's right.

The CHAIRMAN. We will try to get some testimony from them.

Senator LAUSCHE. Mr. Chairman?

The CHAIRMAN. Senator Lausche.

Senator LAUSCHE. Was any testimony given in opposition to the bill in the House?

Mr. SMITH. Yes, sir; there was some testimony from primarily various apparel manufacturers who claimed that it would involve greater costs to them. Some of them presented an idea that we should have an equivalent of performance labeling instead of this, which I took to mean just a means of avoiding the issue more or less because there was no plan ever presented for a type of performance labeling that is any way satisfactory or practical.

They presented an idea that was in use in Great Britain to provide that some type of performance labeling be required. My personal reaction to the type of opposition in the House was that the only opposition, except from some people on the fringes with regard to coverages, the only general opposition was occasioned by people who just didn't want to have to reveal to the public what was in their product.

Senator LAUSCHE. Mr. Chairman, the witnesses who testified against the bill in the House, are they scheduled to appear before us?

The CHAIRMAN. Oh, yes.

Senator LAUSCHE. We will get the negative and affirmative sides of the arguments.

The CHAIRMAN. We have a great number of witnesses to appear on this bill. I merely wanted to ask the Congressman to give us the general background of the situation in the House.

One other thing for the record. Was there a rollcall in the House?

Mr. SMITH. No; there was no indicated opposition on the floor.

The CHAIRMAN. It was handled on the Consent Calendar?

Mr. SMITH. It was taken up under a rule in the House, but no one spoke against the bill on the floor and no one indicated any opposition.

The CHAIRMAN. The hearings were quite——

Mr. SMITH. The hearing was quite detailed and there was lengthy consideration in the House.

The CHAIRMAN. Are there any further questions of the Congressman from Mississippi?

If not, we thank you.

Mr. SMITH. Thank you.

The CHAIRMAN. Mr. Plaisted, executive secretary, National Board of Fur Farm Organizations, Milwaukee.

**STATEMENT OF KENNETH M. PLAISTED, EXECUTIVE SECRETARY,
NATIONAL BOARD OF FUR FARM ORGANIZATIONS, MILWAUKEE,
WIS.**

Mr. PLAISTED. Thank you, Mr. Chairman.

The CHAIRMAN. We will be glad to hear from you.

Mr. PLAISTED. Mr. Chairman and gentlemen of the committee, my name is Kenneth M. Plaisted. I am appearing here today in the capacity of executive secretary of the National Board of Fur Farm Organizations, Inc., with offices at 152 West Wisconsin Avenue, Milwaukee, Wis.

This organization represents some 49 State, regional, and marketing associations, the 6,750 members of which are engaged in the domestic raising of mink and fox.

My purpose in presenting this statement to this committee today and appearing before this committee today is to acquaint you with the views of the Nation's fur farmers as they relate to the proposed legislation regarding labeling and advertising of textile fiber products.

The fur-farming industry is in favor of H. R. 469, and anything I say here with regard to 469 I ask also be related to Senate bill 1616. Any type of legislation of this kind which is designed to protect the consumers in an area where knowledge is often lacking as to the content of the product involved.

The Fur Products Labeling Act passed by Congress in 1951, as a result of the recommendation of this very committee, and which was strongly supported by the fur farmers, has proved to be of inestimable benefit, affording the consumer the protection from deceptive or misleading labeling and advertising of fur products.

The CHAIRMAN. I might say there for the record—I recall that you people, although you were going to be harnessed with this responsibility, came in and actually suggested that it be done, and helped us with the legislation.

Mr. PLAISTED. Yes, sir; I think we were one of the moving forces behind it.

The American consumer can thank this committee and Congress that they can now go into a retail fur store and tell by looking at the label what type of fur they are buying, where the fur came from, and also whether or not it has been dyed or otherwise tampered with, or changed in color from its natural state.

Senator BRICKER. Did the State Department oppose that bill, as you remember, on the designation of the source of the fur?

Mr. PLAISTED. I do not believe they did actively, no; not to my knowledge.

The CHAIRMAN. We will look that up. I don't think they said anything.

Senator POTTER. I don't think they said anything.

The CHAIRMAN. The staff will look that up on their testimony.

Senator SCHOEPPLE. Mr. Chairman, was a request made of them? Was a request made for their expression of opinion?

The CHAIRMAN. I don't know. We will look that up and get their testimony.

Mr. PLAISTED. The entire fur industry, in recent years, has enjoyed a resurgence of the consumer use of furs. In the January 13, 1958, issue of Time magazine, on page 86, one of the biggest reasons given for the comeback in furs is

* * * that women are not so suspicious as they were, thanks in large part to a 1952 Federal law requiring truthful labeling. * * * The act has done a lot to instill consumer confidence * * *.

That is the end of the quote from Time magazine with respect to the benefits from the Fur Products Labeling Act.

As the members of this committee will remember, the fur industry fought the passage of the Fur Products Labeling Act for 3 years, claiming that it would wreck their industry. All of this, as experience has shown, was unfounded. After observing the benefits to the industry brought about through the enforcement of the Fur Products Labeling Act, those in the fur industry who fought the enactment of that legislation are now its most ardent supporters.

The same, of course, could be said for the Wool Act. Likewise, we believe a law of the type under consideration before this committee today will act to instill consumer confidence in, and hence the expanded use of, the products involved, when the buyer is fully informed of a product's content by the full disclosure on the label and has not been subjected to a barrage of false, deceptive, or misleading advertising schemes.

As stated in the early paragraphs of this statement, the Nation's fur farmers are in favor of the type of legislation here under consideration. However, it is our opinion that H. R. 469, or Senate bill 1616, in their present form, do not go far enough in one respect.

As will be observed from the copies of the advertisements which are attached to this statement, certain segments—I believe it is a very small segment—of the textile industry indiscriminately advertise their products using the names, symbols, and terms common only to a fur product. Insofar as the Fur Products Labeling Act covers products made only of fur in whole or in part, such act does not apply to the advertising practices described here.

The Fur Products Labeling Act prohibits the use of one fur animal name to describe the use of another. But the act in and of itself only applies to a product made from fur, and, of course, does not reach to the area which you are considering here today in the textile field.

Senator POTTER. In other words, it doesn't apply to a textile which uses a fur name in their advertising?

Mr. PLAISTED. That's right.

Senator BRICKER. What kind of textiles are furs used in, mainly? What is the end product?

Mr. PLAISTED. What type of product is being used to simulate fur garments? Is that your question?

Senator BRICKER. No. What is fur used for in making of textiles, as far as the end product is concerned?

Mr. PLAISTED. By and large, they are not used at all, Senator Bricker. In any of the garments that are depicted here in the advertising, there is no fur in them whatsoever.

Senator BRICKER. I don't mean that. Fur is used in textiles.

Mr. PLAISTED. Some use a few fur fibers, Senator Bricker. For instance, there is now a product on the market which they call Minklon. They put 2 percent mink hair in that particular product. It is a textile product.

Senator BRICKER. Aren't furs used extensively in the making of hat felts?

Mr. PLAISTED. Some textile products, I understand, use a considerable amount of rabbit hair.

Senator BRICKER. That is all that you know of?

Mr. PLAISTED. That is all that I am aware of, Senator Bricker; yes.

Senator BRICKER. And the rest is sold just as fur?

The CHAIRMAN. Do you mean our old beaver hats are out of existence?

Senator BRICKER. The rest is used just as fur and not as textiles.

Mr. PLAISTED. They are advertised as fur and not as textiles?

Senator BRICKER. No. Used. What I am getting at is what fur is used for, outside of plain fur. Is it used in the making of any textiles, going into clothes or hats or gloves?

Mr. PLAISTED. Only to the extent that I have described, Senator Bricker, is all that I am aware of.

Senator BRICKER. That is not very extensive.

Mr. PLAISTED. No; it is not.

This practice, we feel, is nothing more than an attempt by a relatively few promoters of textile fiber products to associate their commodity in the mind of the consumer with a fur product, thereby selling the merchandise not on its own merits, but, rather, on the recognized excellence of the quality of fur.

We feel that, rather than achieving the promoters desired results of bringing the textile product up to the level of fur, advertising of this type will not only ultimately defeat the long-range purposes of the textile promoters, but, at the same time, will degrade fur products and destroy the consumer confidence that has been built up in furs as a result of congressional action in the passage of the Fur Act and the subsequent excellent enforcement given that law by the Federal Trade Commission.

It may well be that the textile product which we have called your attention to here has a place on the market. It may be, in fact, a fine product, but we do state without qualification that such a product is in no way likened to a natural fur by comparison in terms of durability, beauty, or any other analogy that might be made. The consumer is being led to believe that she is buying something which is, in every respect, as good or better than the real article.

Our fur farmers are not concerned with whatever competition any synthetic fabric garment has to offer. The industry has always taken the position that competition is healthy and we welcome it.

We do feel that if anybody desires to purchase, as an example, a mink garment, that they will not buy one of the synthetic pile fabrics garments as a substitute. We do feel, however, that if the type of advertising that is exhibited here is permitted to continue, not only is the consumer being misled and deceived in relation to the advertised product, but that the consumer's confidence in fur products will likewise be destroyed.

It is our opinion that H. R. 469, or Senate bill 1616, should be adequately broadened to prohibit the promoters of textile fiber products from using the name or symbols of any fur-bearing animals or any term identified with furs in a false or deceptive manner. The suggested amendment which we propose be incorporated into section 4 of the legislation here being considered is attached to this statement and is no different than Federal legislation in other fields.

As I discussed earlier, the Fur Products Labeling Act has requirements of this type. As an example, a fur manufacturer or retailer cannot advertise a dyed muskrat which looks like mink. He is prohibited from doing that under the Fur Act.

Yet, under the present law, the manufacturers of pile cloth garments can use such names indiscriminately.

We are involved here, gentlemen, insofar as the advertisements which are attached to our statement are concerned, with what are not cotton or wool products. They are synthetic. They are synthetic pile fabric garments.

In closing, Mr. Chairman, we respectfully urge that this committee recommend H. R. 469, or the companion Senate bill, S. 1616, for passage with adequate amendments to prohibit the type of false, misleading, and deceptive practices discussed here.

The CHAIRMAN. That amendment that you are suggesting to the committee is an amendment to section 4 of the House bill?

Mr. PLAISTED. Yes, sir; or the companion Senate bill.

The CHAIRMAN. To go back and look at the ads, the exhibits that you have, would that stop such ads as this?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. The use of the word "wink" instead of "mink."

Mr. PLAISTED. No, sir. They can call these garments whatever they want to. It would prohibit such things as in the first ad, numbered at the bottom, prohibit such use as the words "man-made mink." I don't think there is such a thing as man-made mink.

The fur industry cannot use terms as on exhibit 4, "make-believe mink." They can't use the name of the animal. It is not actually an original part of the garment.

The CHAIRMAN. I notice in some of these ads they put in quotations, as on exhibit 3, "black 'Persians'." Would your suggested amendment take care of that situation?

Mr. PLAISTED. Yes, sir; it would prohibit it.

The CHAIRMAN. If they added the words "Persian Lamb," they would have to put that in quotes, too?

Mr. PLAISTED. That would also be prohibited under our suggested amendment.

The following is suggested as wording for an amendment to section 4 of H. R. 469:

For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal or any term identified with furs is used in the advertisement of such product unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal, is used, is a fur or fur product within the meaning of the Fur Products Labeling Act; provided, however, that where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber," "hair," or "blend," may be used.

The CHAIRMAN. Take No. 4. They say "make-believe mink." Would they have to say under your amendment what was in that product?

Mr. PLAISTED. They will be required to do that under the general terms of the legislation under consideration. They could not use the word "mink."

The CHAIRMAN. They could not use the word "mink." Then on your exhibit 5, they would not be able to use the words "man-made mink"?

Mr. PLAISTED. That is right, Senator Magnuson. At least they could not use the word "mink."

The CHAIRMAN. What is wrong with the exhibit No. 6?

Mr. PLAISTED. Koala is a type of fur-bearing animal raised in eastern Australia. This is an example, rather than mink. The Koala is a fur-bearing animal raised in eastern Australia. Quite a bit of that fur is used in this country. This is another example.

Using another type animal to promote another synthetic pile fabric; they would not be able under our proposed amendment to use the name of the animal.

The CHAIRMAN. They say at the bottom of the ad "100 percent Orlon." They would also have to, if this bill passes, in any case state what constituted Orlon; what made up Orlon, would they not? Or is that a trade name?

Mr. PLAISTED. I don't believe I am qualified to answer that.

Senator BRICKER. It is a trade name the same as wool or cotton.

The CHAIRMAN. But it is a fabric?

Mr. PLAISTED. It is a synthetic.

The CHAIRMAN. It is a synthetic composed of certain things.

Mr. PLAISTED. The product is known as Orlon.

Senator BRICKER. This bill or the House bill would not require a definition of what Orlon is.

Mr. PLAISTED. I do not believe so.

Senator POTTER. What about your exhibit 10? Would it prohibit the use of a picture of a mink in the ad?

Mr. PLAISTED. The present proposal only prohibits, Senator Potter, falsely or deceptively advertising, if the name or symbol of any fur-bearing animal or any term identified with furs is used.

Senator BRICKER. The picture would be prohibited under the false labeling act, and under the Federal Trade Commission Act. It is prohibited now, I think.

Mr. PLAISTED. In that connection you might want to ask the Federal Trade Commission officials when they come before you——

Senator POTTER. This is cleverly done, they ask the question: "Is it or isn't it?"

Mr. PLAISTED. I think I am giving you the correct opinion of the Commission. It is not felt at the present time that there is adequate law on the books to prohibit this kind of thing. There isn't a fur act covering this particular type of advertising.

The CHAIRMAN. Of course if we adopted this amendment to the bill and passed the bill, the Federal Trade Commission would, of necessity, have to interpret this section and make some regulations themselves based upon ads such as this and interpret the section in much more detail than you suggest, would they not?

Mr. PLAISTED. Yes; which is exactly what they did in the Fur Act.

The CHAIRMAN. Under the general Federal Trade Commission Act, and under the Fur Act, too?

Mr. PLAISTED. Yes.

The CHAIRMAN. Are there any questions of Mr. Plaisted?

Senator Lausche?

Senator LAUSCHE. Could you, under the Fur Act, prosecute these advertisements as being violative of the Fur Act?

Mr. PLAISTED. No, sir, that is why we are here. It probably seems strange that the fur farmers would be interested in a textile bill. But the Fur Act, under section 5, provides that—

A fur product or fur shall be considered to be falsely or deceptively advertised if any advertisement contains the name of any animal other than the name of the animal that produced the fur.

But the Fur Act only has jurisdiction over fur or fur products, and does not, in our opinion or the opinion of the Federal Trade Commission officials, reach this far. They cannot use the Fur Act to prohibit the type of thing we are discussing here this morning, on textile products.

Senator BRICKER. I shouldn't think that if the advertisement was used with a picture of the fur-bearing animal or any name that would indicate it had some relation to the fur—I would be inclined to think the present mislabeling acts would cover it.

Mr. PLAISTED. Again, Senator Bricker, you can query the Federal Trade Commission officials on that, but that is not their opinion.

Senator BRICKER. Certainly if it is used for misleading the public it is false and misleading advertising.

Mr. PLAISTED. One of the problems they have under section 5 of the Federal Trade Commission Act, one we are discussing, they cannot reach down to the retail level, and the retailers of course can go ahead and advertise their material any way they want to. It doesn't have to be goods that travel in commerce. Under the present provisions of the legislation which you are considering now, that would be taken care of.

Senator BRICKER. You feel it is not taken care of at the present time?

Mr. PLAISTED. No, sir. We have had two complaints filed with the Federal Trade Commission for 2 years.

Senator BRICKER. And they can't go to the retail dealer?

Mr. PLAISTED. No, sir.

The CHAIRMAN. These ads, of course, attempt to talk about the garment. What sort of label is actually in the garment, say, of any of these fabric coats?

Mr. PLAISTED. I should have brought some with me, Senator Magnuson. I have some. Princeton Woolen Mills, for example, referring to exhibit 9, has on their label in large letters the word "Mutation"—Princeton's mutation. Mutation is only referred to in either animals or plants, something that is bred and has no relation at all to a synthetic textile. The reason they use the word "mutation" of course is because our consumer advertising, which the fur farmers sponsor in regard to their mink product, gives great significance to the word "mutation" because it is the various new shades of mink that are developed over a series of periods.

I think without question that is the reason that this particular producer uses the word "mutation." And that does appear on their label.

The CHAIRMAN. Take the next one, No. 10. Would the label in the coat depicted here have the words "Mink Magic" in it?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. And the word "mink" the fur name would be used in the label as well as in the advertisement?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. Of course, what you are suggesting is that in the labeling the use of the fur words be eliminated?

Mr. PLAISTED. Yes, sir, and in the advertising provisions.

The CHAIRMAN. I suppose that would follow?

Mr. PLAISTED. It would apply to both labeling and advertising.

The CHAIRMAN. Take No. 7 where they say "Masquerade Mink." What sort of commodity is that?

Mr. PLAISTED. I believe as used in exhibit 7, we can't tell.

The CHAIRMAN. It says "Orlon and Dynel Clutch Cape." Would there be "Orlon" put in the label?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. And "Dynel"?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. And on exhibit 6 the words "Koala" would be in the label because that is assumed to be a trade name?

Mr. PLAISTED. Yes, sir. The manufacturer here would probably argue with regard to exhibit 6 that nothing is said about Koala, but they use the bear's face for the first "o" of the word. I think it is obvious what they are doing.

The CHAIRMAN. On exhibit 4, the Bullock ad, it doesn't state what it is at all. It just says "Make-believe." What would that be? Make-believe mink? They wouldn't have a label which would say "Make-believe mink"?

Mr. PLAISTED. No, sir. I don't know in this instance what they happen to carry in their label. You will notice in the ad they also use the term "Wild Mink" and "Fabricated Mink."

The CHAIRMAN. Wild fabricated mink. And in your exhibit 3, it would be hard to tell what that label would be. It doesn't state. They might just have the merchant's name in there, "Kroll's."

Mr. PLAISTED. As to exhibit 3 that might be the case. We know that in several of the synthetic ads with respect to mink, as discussed in Princeton's ad, using the word "Mutation," they use the word "mink" on their label.

The CHAIRMAN. On exhibit 1, at the bottom they say "Manmade mink with guard hair, patent applied for." Patent for the process or patent for the trade name?

Mr. PLAISTED. Patent for the process.

The CHAIRMAN. The copyright?

Mr. PLAISTED. This particular manufacturer has developed a new process where he does simulate guard hair. I want to have the record clarified that exhibit No. 1, gentlemen, is a combination of two ads. They were two full-page ads and they are combined here for the purpose of brevity.

Senator BRICKER. It is a composite picture?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. Let the record show that so that there will be no question about that.

Senator LAUSCHE. Mr. Chairman?

The CHAIRMAN. The Senator from Ohio.

Senator LAUSCHE. Do I understand that under the Fur Act, if you have a garment made of fur, you are not allowed to use the name of any other fur of a better quality; is that correct?

Mr. PLAISTED. That is correct.

Senator LAUSCHE. If this bill is passed in its present status, you, having a garment made out of a textile, would be permitted to use the name of a fur-bearing animal?

Mr. PLAISTED. Yes, sir.

Senator LAUSCHE. Am I correct in this understanding, that the damage to the buyer would be greater in buying a textile impliedly represented to be a fur, than it would be in buying a fur either impliedly or expressly represented to be a fur of better quality?

Mr. PLAISTED. I certainly think that it would, sir.

Senator LAUSCHE. Let me put this again: Under the Fur Act if you have a garment made of fur, you are prohibited from in any way advertising, impliedly or expressly, with some other fur identity being inserted?

Mr. PLAISTED. That is correct.

Senator LAUSCHE. But under this law, you could advertise a textile as a fur, impliedly?

Mr. PLAISTED. Yes, sir.

Senator LAUSCHE. And be outside the operation of the Fur Act?

Mr. PLAISTED. Yes, sir; as it is now.

Senator BRICKER. In South America they make a very valuable cloth called gold cloth out of the fur and hair of the vicuna. When I asked a question a moment ago it was with the thought of whether or not there are any American furs used in a similar process.

Mr. PLAISTED. Not to my knowledge.

Senator BRICKER. It is a very expensive cloth.

Is all vicuna imported?

Senator BRICKER. It comes from South America. Peru, I believe, is the only country where they make it, and they can't ship it out of there except under license.

Mr. PLAISTED. Under the present terms of the textile labeling legislation, if we will say 5 percent of a given hair is used from a fur animal, that can be so stated on the label. In fact, it is required to be stated.

Senator BRICKER. If it is wholly made out of hair.

Mr. PLAISTED. Then it does not come under the jurisdiction of the Fur Products Labeling Act.

Senator BRICKER. That is my question, is there any fur in the United States used for that purpose, of making cloth or textiles?

Mr. PLAISTED. Excuse me, I didn't understand your question.

Senator BRICKER. That is what I thought.

Mr. PLAISTED. If it is made wholly from fur without any skin attached, then it does not come under the jurisdiction of the Fur Products Labeling Act.

The CHAIRMAN. This act contains the 5 percent provision, too?

Mr. PLAISTED. Yes, sir.

The CHAIRMAN. The Senator from Michigan.

Senator POTTER. It used to be, before the Fur Labeling Act went into effect, that they would sell muskrat fur and beaver fur under another name. I have never seen a coat advertised as muskrat fur. What has happened to that? How is that fur being used at the present time and what is it called?

Mr. PLAISTED. There is still, Senator Potter, a wide usage of muskrat today in the fur industry.

Senator POTTER. Do they call it muskrat?

Mr. PLAISTED. Oh, yes.

The CHAIRMAN. They have it in the label, if it is muskrat?

Mr. PLAISTED. Yes, sir, and also advertise as such. They can't call it anything else. The label must show under the Fur Act not only the name of the animal but the country of origin.

Senator POTTER. I think our trappers would benefit if you changed the name of the animal to something more elegant than muskrat.

Mr. PLAISTED. That was going on in the trade before the Congress passed the Fur Products Labeling Act. The fur industry, some less reputable segments of it, were doing with furs as is exhibited here, and you gentlemen in Congress said no.

Senator BRICKER. Rabbits were the greatest violators.

Mr. PLAISTED. I believe rabbit was sold under some 86 different names, all of them other than rabbit, and the consumer just did not know what she was getting.

The CHAIRMAN. And of course muskrat was a big segment of the fur industry.

Mr. PLAISTED. It still is.

Senator POTTER. After the Fur Labeling Act went into effect, did the price of muskrat go down?

Senator BRICKER. Yes. I think they sold at about 35 cents apiece last year.

Mr. PLAISTED. I believe muskrat is selling for about \$1.25 now. What the factors are that caused that I don't know.

Senator POTTER. I don't know that I have ever seen any muskrat fur advertised as muskrat fur.

Mr. PLAISTED. Senator Potter, you will see very little fur advertised as such other than mink, principally because—and this is an economic factor within the fur industry itself, other than the fur farmers—they do not seem to be able to get—I am stating my observations—they do not seem to be able to get moneys together to promote a certain type of fur. Most of the advertising you see in your magazines, your fashion magazines, is probably mink advertising.

Incidentally, I think we are one of the only groups of agricultural producers that many, many years ago foresaw that problem and have our own members contributing heavily to consumer advertising throughout the years.

The CHAIRMAN. Suppose we dropped the “rat” from muskrat and we just called it “musk.”

Senator POTTER. Or “musk-mink.”

Mr. PLAISTED. Under the Fur Act they would be required somewhere in their advertising or label to show—

The CHAIRMAN. To put in the word “rat.”

Mr. PLAISTED. To show what the generic basis of that animal was.

The CHAIRMAN. Are there any further questions?

Senator LAUSCHIE. I have one more question.

The CHAIRMAN. Senator Lausche.

Senator LAUSCHIE. You have studied these ads. I assume that the ads cannot be construed to be false in fact from the standpoint of the definition that we know in law of fraud.

Mr. PLAISTED. I think that is correct. I would agree with that, Senator Lausche.

Senator LAUSCHIE. They have gone as far as they can, in staying within the law, to mislead a buyer into believing that he was getting one product when in fact he was getting something else?

Mr. PLAISTED. Yes, sir, or at least a product as good as another product.

The CHAIRMAN. As long as you are here, generally speaking, do you think the Federal Trade Commission is doing a reasonably good job in the policing of the Fur Labeling Act?

Mr. PLAISTED. Senator Magnuson, I think that they have done an excellent job since the inception of the act, and principally since the committee which you headed and are still chairman of, the Senate Appropriations Committee, a year or two ago afforded them some additional funds.

The CHAIRMAN. We gave them some additional funds for more help.

Mr. PLAISTED. They have done an excellent job, sir.

(The advertisements referred to follow:)

WINK—the man-made mink with
astonishingly lifelike guard hairs
— with a matchless woven mink
striping that won't fade with
cleaning or use.

So mink-like you'll blink in delight
at WINK! A magical compound of
synthetics in a 3-dimensional
depth of pelt you've got to see to
believe!

Wink

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(Misses), New York City

MILLBROOKE FASHIONS, INC.
(Misses), New York City

NORTH BAY COATS, INC.
(Tailors — Division of Arthur Doctor), New York City

CLOUBMASTER
(Wholes — Division of Seid Enterprises), New York City

BRINY MARLIN
(Division of Brand & Paritz), Kansas City, Mo.

BY-GONE MODES
Chicago

JACOB CROWLEY MFG. CO.
Whitings, Montreal

SERVICE GARMENT CO., LTD.
Newark, Ontario

CANDALON®

Wink

THE MAN-MADE MINK WITH "GUARD-HAIRS"

Patent Applied

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Princeton's soft, peppy, shadowy Mutation . . . the man-made mink striped orlon and dynel that earned its way on to the cover of Life Magazine and over the shoulders of fashion-loving, fun-loving women all over the country . . . the fabulous fake that's an absolute fashion all by itself. In wild rice or silver mist, misses' sizes 8 to 18. SAKS-34th—Fourth Floor

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The priceless look of Persian...
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shorter-than-long
belted back greatcoat

Sizes 8 to 18. \$35.00

Los Angeles Times WED. JAN. 18, 1934 - Part VII



At Last! Make-believe mink

69.95

With mink . . . Carbone . . . Sempino . . . Rivalta at Spring!
This is the life! You can avoid your shoulders in men's most
rarest and resisting wonder, substituted mink that's scarcely
soft . . . that supposes they watched skin in location of
their price! This incredible new synthetic gives the look of mink
within your reach . . . is here at the most dramatic mink town
in the far market! We show late styles, of especially elegant
and urban, from the patterns in the country's leading fur work-
shops. If you've ever wanted mink (. . . oh, come now!) do be
one of the first to town to see our new make-believe mink.

From top to bottom:

Deep-ankle with diagonals

Pocket stole

Five-way stole

Full-length stole

Cost: Furrows, Third Floor, Bullock's new building

BULLOCK'S
DOWNTOWN

CHICAGO TRIBUNE - JANUARY 10, 1956

Life begins with Man Made Mink

Princeton's Mutation--fabulous dynel and orlon fabrics--

as seen on the cover of Life--

rivals mink in

coats you'll love!

Added virtues:

moth-proof,

rain-proof.

Grey mist, honey.

Left 139.00.

Right 125.00

and look! no tax.

FIFTH FLOOR

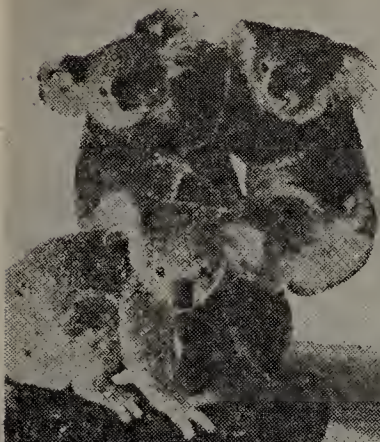


**SAKS
FIFTH
AVENUE**

600 NORTH MICHIGAN AVENUE

"So natural, we'd swear it was real!"

WOMEN'S WEAR DAILY, WEDNESDAY, MARCH 20, 1957



the softest, deepest, warmest, cuddliest, funniest pile ever!

INTRODUCING
New, Very Cleanable

KOALA

by Malden Limited



Let's go together... having fun!

KOALA

100% ORLON® DEEP PILE CHILDREN'S COATING

Confined exclusively to specified manufacturers.

MALDEN MILLS SALES CO., INC. 450 7th AVENUE NEW YORK 1, N. Y.

masquerade mink... our orlon and dyneel clutch cape

29.98

You're all set for big moments in our luxurious looking fake-fur cape at a fraction of the real-thing price. Beautifully lined with Skinner's acetate satin. Two hug-me-close puff pockets in a fashion that's such news this season. Choose beige tones or grey tones.

write, please, within delivery, 20c extra on C.O.D.'s.

avoton, Gimbels street floor, Westchester and new Valley Stream

NEW YORK POST, FRIDAY, OCTOBER 16, 1948

A marvelous "mutation," amazingly like mink

It's Mink... You Think

Princeton's Mutation

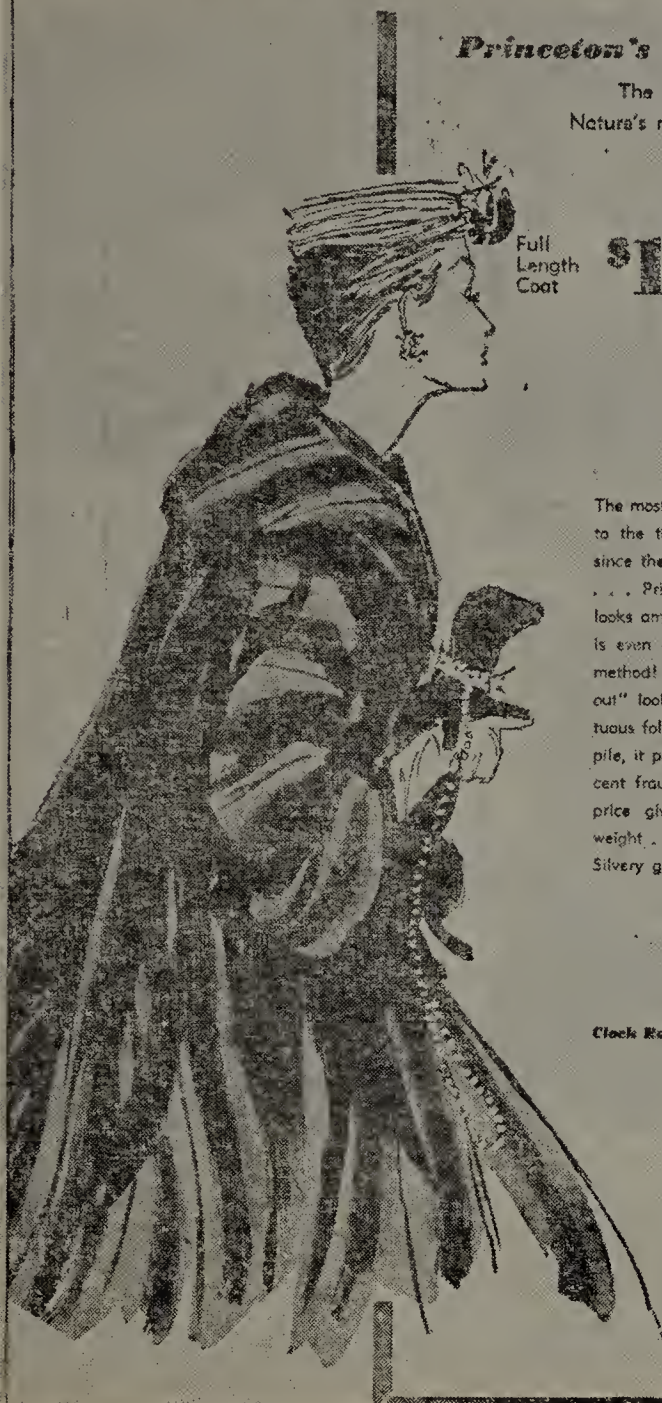
The fabric that rivals
Nature's most precious furs

Full
Length
Coat

\$139⁹⁵

The most believable pretender to the throne of ragol mink since the first mink offspring . . . Princeton's "Mutation" looks amazingly like fur . . . is even cleaned by a furrier method! Striped for the "let-out" look of mink, in sumptuous folds of arlon and dynel pile, it perpetrates a magnificent fraud . . . and only the price gives it away! Lightweight . . . and yet so warm. Silvery grey or wild rice.

Clock Room — Second Floor





why buy mink?

.....

*when you can have
all the elegance of
mink in our miracle*

PRINCETON'S MUTATION

A fabulous blend of odon and dyneel to resemble the costliest mink! Warm as fur, fashioned like fur, lighter than fur! See our exquisite collection in Silver or Wild Rice (a light mink shade) . . .

\$139.98

TWO FINE FASHION STORES

SINGERS

mitchell street at south 13th
silver spring at santa monica

Is it or isn't it?



WOMEN'S WEAR DAILY, TUESDAY, JUNE 12, 1956

At five paces, it's well nigh impossible to distinguish between the ranch and laboratory breeding of these two.

"Mink Magic" on deep pile Glenara* duplicates the luxury look of the real thing enables you to feature mink flattery

MINK MAGIC, Inc.

128 32nd St., Brooklyn, N.Y. SOuth 8-3819

"Mink Magic" coats are the real thing. They're already reordering.

"Mink Magic" is color-fast.

"Mink Magic" is more beautiful -- follows the contour of the coat.

"Mink Magic" coats are fur-cleanable.

Shop Mon.
10 to 7

famed for fine coats

STUARTS

425 West Wisconsin Avenue

*it's Mink
you think...*

but it's

Princeton's

Mutation

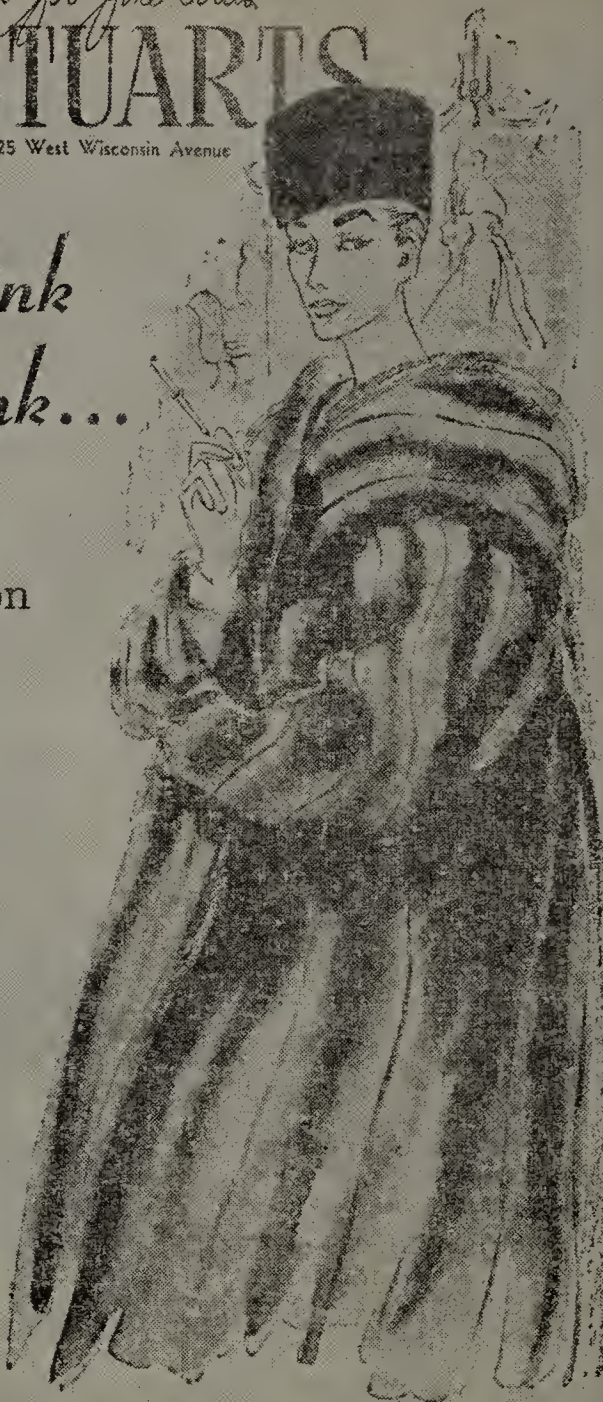
Behold the beauty
of science's new
miracle of orlon and
dynel that rivals
the beauty of real
precious mink.
Beautifully marked
with an unbelievable
silken softness never
before achieved.
Available in silver
blue or light mink
brown.

\$139.⁹⁵

Short coats starting
at \$59.95.

A small deposit will hold
your coat until fall.

Better Coats
Second Floor



Senator BRICKER (presiding). If that is all, we thank you.

Our next witness is Mr. J. Banks Young, Washington Representative of the National Cotton Council of America.

STATEMENT OF J. BANKS YOUNG, WASHINGTON REPRESENTATIVE, NATIONAL COTTON COUNCIL OF AMERICA

Mr. YOUNG. I have a brief statement. It will save time if I just read it.

My name is J. Banks Young. I am Washington representative of the National Cotton Council of America, which has its headquarters in Memphis, Tennessee. The council is the overall organization of the raw cotton industry. Its membership is composed of cotton producers, ginnermen, warehousemen, merchants, spinners, and cottonseed crushers.

At each of our organization's last three annual meetings, the voting delegates of the council have unanimously approved a resolution to " * * * support legislation which would require the labeling of textile products to show their true fiber content * * *."

S. 1616, introduced by Senators Hill, Monroney, Magnuson, and Stennis, embodies the principles set forth in the council's resolution and we therefore support this bill. It is almost identical to H. R. 469, which was passed by the House last year, and which we supported in the House. Later in my testimony I would like to comment on the minor differences in these bills and indicate the council's preferences thereon.

Appropriate labeling legislation can be justified from a number of standpoints. But the underlying reason why labeling has become so urgent and necessary is simply this: There are many new developments in fiber blending, in chemical finishing of fabrics, and in weaving techniques. As a result, a consumer cannot be sure she is getting what she wants and is paying for when she buys textile products without fiber identification. Nowadays, it is possible to make almost any fabric of a particular fiber look and feel like a fabric made from another fiber. It is impossible for a technician, much less a layman, to detect any difference between them by sight or touch.

For example, it is easy to make a rayon-cotton blend look and feel like an all-cotton fabric. Such a blend often sells as an all-cotton fabric. Unless the fabric is appropriately labeled, the consumer has no way to be sure of its fiber content at the time of purchase.

Mr. Chairman, I would like to show the committee a few samples of some fabrics. Examine these and I will tell you a little story about them. They have been presented to a number of top mill and garment industry people. They were asked if they could identify them as to fiber content, i. e., which were cotton, a cotton-rayon blend, all rayon, or whatever fiber they were. Not one person has been able to identify the fiber content. These were people who have been in the industry all their lives and really know fibers. This is an example of how a fiber can lose its identity as a result of the newer finishes.

Senator POTTER. Some of the samples in there are all cotton?

Mr. YOUNG. There is not one particle of any fiber except cotton in any of these samples. They are all 100 percent cotton.

Senator POTTER. They are all 100 percent cotton?

Mr. YOUNG. Yes. Many of them, if you will notice, appear to be made of other fibers. It is very difficult to tell just by sight and touch what the fiber content of a fabric is. As a matter of fact, it is impossible.

Suppose a consumer thinks she is getting an all-cotton product—but instead receives a blended fabric containing a large amount of rayon. She naturally assumes that the fabric will have excellent launderability, great durability, and other characteristics traditionally associated with all-cotton products. Then, when the product falls short in performance, she finds that she didn't get what she wanted and paid for. This is an all-too-common occurrence, and it obviously is unfair to the consumer.

It is equally unfair, of course, to the cottongrower. First of all, when a lower priced fiber is slipped in a product which is traditionally all cotton, the grower loses part of his market through unfair competition. On top of this, the grower loses prestige for his fiber because the dissatisfied consumer—not knowing she has purchased a blended fabric—places the blame squarely on cotton.

Opponents of fiber labeling contend that fiber content tells consumers little, if anything; that what consumers really need is labeling that tells how a garment should be cared for and how it will perform.

If this could be done, it would be ideal, provided the label also showed fiber identification. But it is not possible today to predict performance by tests. Available tests for abrasion, strength, and other qualities can not be correlated with performance in actual service. Few performance standards are as yet acceptable to the industry.

On the other hand, knowledge of fiber content goes a long way toward telling consumers how a garment will serve. Consumers have had long experience with cotton, wool, rayon, nylon, linen and silk, these fibers comprising more than 95 percent of total apparent type fiber consumption in the United States. They are fast learning what to expect of Orlon and Dacron. They know what to expect of these fibers in durability, warmth, comfort, launderability, and many other facts of performance which enter into the purchaser's selection of textiles. That fiber content governs performance is attested to by the many advertisements, in which producers of different fibers tell what to expect of textiles made of their products.

I have a number of ads taken from recent publications. One shows nylon, extra strength, keeps its original shape, needs no ironing.

Here is wool, "warmth without weight."

Various fiber producers think it is wise to spend their money advertising performance characteristics.

Thus nylon is recommended for long wear, high strength and quick drying; wool for resilience, warmth and shape holding; Dacron for easy-care, wash-and-wear properties; cotton for comfort, long wear, and dimensional stability.

There is one other very important reason why it is so necessary to have fiber identification from the cotton farmer's standpoint. The only way he can gain full effect from the money he is paying for promoting cotton products is to have adequate fiber identification. Every manufacturer who advertises his product put a label on it so that

consumers who have been attracted by his ads can identify the product and buy it. For the cotton promotion which farmers are paying for to be fully effective, textiles must be identified as to fiber content.

Let me make it clear, at this point, that we are not trying to say that all fiber blends result in inferior textile products. In some cases, the opposite is true—particularly where the most expensive fibers are properly used in blends. The big problem comes when manufacturers substitute lower-priced fibers for higher-priced fibers simply to shave their costs, and, in the process, reduce the quality of their products in a way that can't be detected by retail sales personnel or lay consumer.

In considering the need for mandatory labeling, it's important to remember that there is tremendous competition within the textile industry. If one manufacturer decides to use blending as a means of cutting costs—even though it results in a real but “unseen” sacrifice in product quality—other manufacturers are under great pressure to follow suit. Labeling of textile products would go a long way toward relieving this kind of pressure, because manufacturers would know that their competitors could not “slip in” lower-priced fibers to gain an advantage in production costs without its being detected by consumers.

Mr. Chairman, at this point I would like to discuss the differences in S. 1616 and the House-passed bill, H. R. 469. In the main, the differences are minor. However, in 1 or 2 instances we would like to express a preference.

Senator BRICKER. You are advertising a lot of cotton drip-dry shirts now as having qualities that the synthetic shirts have. Is there any synthetic fiber in those shirts?

Mr. YOUNG. I can't answer the question except indirectly by saying that there is a new process in the development stage under which cotton can be treated chemically so as to perform approximately like Dacron. I say in the developmental stage; it hasn't yet reached the stage of perfection.

Senator BRICKER. You have had the shirts on the market for the last 4 or 5 months.

Mr. YOUNG. Yes, sir, and they do pretty well. There are some which are all cotton. A specific shirt would have to be analyzed in order to see what the constituent fibers were. But there are some all-cotton shirts that do have wash-and-wear characteristics somewhat similar to Dacron that are on the market today.

The CHAIRMAN. I think you had better clear that up because they do advertise only as cotton. They don't say there is anything added or anything done to it, but that this is cotton. You had better clear that up for the record.

Mr. YOUNG. These are shirts, Senator, that are 100 percent cotton that do have wash-and-wear facilities, and that are chemically treated.

The CHAIRMAN. Put in the record how that is done.

Mr. YOUNG. I will do that.

(The document referred to above follows:)

NATIONAL COTTON COUNCIL OF AMERICA,
Washington, D. C., March 5, 1958.

Senator JOHN W. BRICKER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In testifying before the Senate Interstate and Foreign Commerce Committee on Senator Hill's textile-labeling bill, you asked a question about the so-called wash-and-wear cotton shirts.

Upon checking with our technical people, I find that this development has advanced even further than I realized. Attached is a statement on this subject which our research division has prepared for inclusion in the record, as requested by you. I thought you might like to have a copy of it.

We appreciate very much your interest in and support of textile-labeling legislation.

Sincerely,

J. BANKS YOUNG.

Attachment.

WASH-AND-WEAR COTTON FABRICS

Cotton fabrics can be chemically treated to provide permanent easy-care, wash-wear properties without loss of cotton's well-known qualities of comfort, durability, and good launderability. Easy-care properties depend on the ability of a fabric to recover from wrinkling during wear and after laundering and drying so that there is little or no need for ironing.

Wash-wear properties are imparted to cotton fabrics by chemical finishing with a variety of thermosetting resins. The raw-cotton fabric from the loom is first processed in the usual manner by desizing, scouring, bleaching, and mercerizing. It is then given a wash-wear finish by passing through a bath containing a water solution of the resin together with other auxiliary chemicals. Excess liquid is removed by passing through squeeze rollers, after which the fabric is dried. The final step consists of "curing" the resin by subjecting the fabric to an elevated temperature of about 300° F. for a few minutes.

The wrinkle-resistant, wash-wear properties thus obtained are the result of a change in the molecular structure of the cotton fiber. In its natural state the cotton fiber, once bent or deformed, will not return by itself to its original shape. The thermosetting resins penetrate inside the fibers where they polymerize and react with the cellulose of the fiber to crosslink adjacent molecular chains. The result is a permanent increase in the resilience of the fiber which imparts to the fabric a "memory" for the smooth, flat condition in which the fabric was cured. Thus while being worn, the garment sheds wrinkles and maintains its neat appearance, and after laundering, returns to a smooth condition requiring little or no ironing.

Wash-wear resin finishes are applied to a great variety of cotton fabrics going into a wide range of apparel and household uses. Correctly applied to shirting type materials (broadcloth, oxford, or other weaves), these treatments result in a very satisfactory wash-wear dress shirt. Reports indicate that the wash-wear performance of the all-cotton shirts is fully equal (some claim superior) to those made from the 65-percent dacron-35-percent cotton blend fabrics. In addition, the all-cotton product is more comfortable and free from the problems of heat sensitivity, static electricity, and piling commonly encountered in the synthetic-fiber blend products.

First, the House bill exempts furniture upholstery. We see no reason for this exemption. Although furniture is selected in a large measure on the basis of the color, style, and design of the upholstery, there is a great difference in wear characteristics and the care required of the different fabrics, depending upon the fiber of which they are made. It is just as important that consumers be able to obtain upholstery fabrics made of a particular fiber as it is for many other textiles. Therefore, we urge that the provisions of S. 1616 be approved in this respect.

Next, the language covering imported textile products in the two bills differs. The objective of this amendment is to identify the country of origin of imported textiles. In view of the various constructions which have been placed upon the language of the two bills, we suggest that the committee may want to clarify this particular provision, so that there will be no question about it. An approach which seems reasonable to us would be to identify finished products as to country of origin—shirts, garments and so forth. In addition, where products are manufactured in this country from imported fabrics, that fact should be made clear. We have language which we would like to submit for consideration which would do what we are suggesting. It is just for the purpose of clarification.

Third, there is a slight difference between the two bills with respect to advertising requirements. We prefer the language of S. 1616 on this matter.

The other differences are highly technical and we do not desire to express any preferences in connection with them.

In conclusion, I would like to emphasize the great importance which the raw cotton industry attaches to legislation which will require labeling of textile products to show their true fiber content. S. 1616 will serve an urgent, vital need of our industry. It also will serve the interests of the entire American consuming public. We, therefore, urge your approval of this bill.

We appreciate the opportunity of presenting the views of the National Cotton Council to this committee.

The CHAIRMAN. Let me ask this for information. Under the Wool Act, there are many fabrics now, particularly in mens' clothing—that are composed of wool and some other type of fiber or synthetic—That will be called by a trade name, such as Dacron or whatever. I notice that particularly in mens' clothes. Under the Wool Labeling Act they would have to state in the label what percentage of wool and what percentage of synthetics are involved?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. This act would apply if the cotton had a synthetic in it?

Mr. YOUNG. That's right. This act merely extends to the other fibers the same identification requirements as are currently in the Wool Products Labeling Act. If a product were made in part from cotton and part from rayon, the percentage of that fabric that was cotton and the percentage that was rayon would have to be identified on the label.

The CHAIRMAN. Don't they do that now with cotton?

Mr. YOUNG. No, sir. Some do it.

The CHAIRMAN. But it is not mandatory?

Mr. YOUNG. No, sir; it is not. Very few of them do.

The CHAIRMAN. If you have a product that contains wool and cotton, what is the procedure?

Mr. YOUNG. Under the Wool Act it would have to be identified as a certain percentage of wool and a certain percentage of cotton.

The CHAIRMAN. Wouldn't that be true of a lot of floor covering?

Mr. YOUNG. Sir, I am not aware that many floor coverings are made of both cotton and wool.

The CHAIRMAN. There are a lot of new cotton floor coverings?

Mr. YOUNG. There were. Rayon pretty well took over that market, rayon and nylon. I am not aware of a combination of cotton and wool in floor coverings. I know that nylon is blended with some materials, perhaps wool and cotton. But if cotton were blended with wool in any other product except rugs, it would have to be identified under the Wool Products Labeling Act.

The CHAIRMAN. If cotton is blended with some other synthetic it may be identified but it is not mandatory unless this act were passed?

Mr. YOUNG. That is correct, except for certain fibers that are covered by Federal Trade Commission trade practice rules.

The CHAIRMAN. Are there any questions?

Senator POTTER. Why do we use in the proposed amendment the words, "Household textile articles"?

Mr. YOUNG. That is to bring in a certain category of articles. That term is identified to include articles of wearing apparel, costumes and accessories, draperies, floor coverings, and so forth. We don't need to use it in connection with industrial products.

Senator POTTER. In other words, automobile upholstery, for example?

Mr. YOUNG. That's right. It is household articles we are interested in here. Automobile upholstery would come into this, but——

Senator POTTER. That wouldn't be household.

Mr. YOUNG. I am sorry, you are correct. I was thinking of furniture. Industrial products need not be so identified because they are bought on the basis of specifications.

The CHAIRMAN. Mr. Young, you suggest that you prefer the language of S. 1616 in regard to the advertisement requirements to the House bill?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. It is not quite clear to me just what the difference is there that you think should be changed?

Mr. YOUNG. It is a very minor difference. The Senate bill provides that the identification of the fibers can be included in the heading, the body, or in any other part of the advertisement. That is one difference. There was some concern expressed on the part of some retail groups that they might be required to put in the heading, the first thing in the ad, the fiber identification, when they would prefer to put something else there. This would indicate that it can go anywhere in the ad.

Mr. BAYNTON. What section?

Mr. YOUNG. Section 4 (c). That language is not in the House bill. It is not an extremely important point.

The second point is that in the House-passed bill there is a requirement that the advertisement show the fibers in the order of their predominance, giving equal prominence to each, if they represent more than 5 percent of the total content of the fabric. It doesn't say what you do for the fibers that are less than 5 percent.

The Senate bill would require that where fibers were included in the fabric in amounts less than 5 percent, they must be shown as "other fibers." The problem here is what you do with a product that has 1 or 2 or 3 percent nylon, not enough to do it any good but just enough to get the advertising value that is attached to nylon.

Under the House bill perhaps they could use the word "nylon" in advertising. In the Senate bill it is clear that it could not be used if it comprised less than 5 percent of the fabric but would have to be identified as "other fiber." Those are the two differences that are not basic or fundamental but we do prefer the Senate bill.

The CHAIRMAN. What is the objection if you are going to require this, if it is desirable to make them put in everything that is in the fabric, regardless of what percentage?

Mr. YOUNG. There is no objection except that there could be a number of fibers put in a product in amounts less than 5 percent for one reason or another, but primarily to try to capitalize on the prestige that a fiber such as nylon has. Technicians tell us that unless there is included as much as about 5 percent of the fiber nothing is added to the usefulness of the fabric. So in such a case the public could be misled into believing that nylon did contribute something to the usefulness of the product even if it were less than 5% of the fiber content whereas it is generally conceded that it does not unless it has about 5 percent in there.

Senator POTTER. Mr. Chairman?

The CHAIRMAN. Senator Potter.

Senator POTTER. What about cloth in a bolt? If you buy a ready-tailored suit, the label doesn't have to identify the type of material, does it?

Mr. YOUNG. Under this bill the label would have to identify it.

Senator POTTER. It would have to?

Mr. YOUNG. A cotton-rayon suit?

Senator POTTER. Yes.

Mr. YOUNG. Yes, sir. The label would have to identify the fiber content just as it would on a wool-Dacron suit now.

Senator POTTER. I just checked my own suit. I don't know what it is—

Senator PAYNE. Senator Potter is referring to a bolt of cloth. If the individual goes in and looks at a bolt of cloth, he determines from that bolt of cloth that he is going to pick out and have a suit tailored from what the content is, but it doesn't necessarily appear on the suit that the tailor turns out.

Mr. YOUNG. I think I understand the situation. You aren't speaking of buying a suit from that tailor; but buying the cloth and paying him a service for making the suit. Here the bolt of cloth is the thing that the consumer buys; so it is the thing that would have to be labeled.

Under H. R. 469 or S. 1616, bolts of cloth sent to garment manufacturers wouldn't have to be identified on the individual bolt. The garment manufacturer or shirt manufacturer might buy for example 100,000 yards, or 50,000 yards, of a particular kind of fabric. Instead of having to label each individual bolt, the fabric manufacturer can put the label on his invoice covering the entire shipment to the garment manufacturer, and then the garment manufacturer, as he makes the shirts or pants or whatever the garment is, would then identify the individual garment as to fiber content on the existing label, size tag, or his brand name. But a bolt of cloth that goes to the store to be cut off and sold as piece goods would have to be identified.

The CHAIRMAN. On your furniture upholstery, you want to keep them in?

Mr. YOUNG. Yes, sir, just as the Senate bill provides.

The CHAIRMAN. Does that pose any practical problem for them? When you buy a suit you have a label in it. You wear it but the label doesn't show. You wouldn't want a piece of furniture in the house with something identifying it sticking around someplace.

Mr. YOUNG. We completely agree. We have talked with those concerned about that. It is our understanding, and I have examined quite a bit of furniture since this thing came up—that at the bottom of the chair there is a label. It shows the lot number, the color number, and so on. We are not suggesting that a label be shown in a piece of upholstery that would stay there permanently.

The CHAIRMAN. But underneath?

Mr. YOUNG. It is all right as far as we are concerned to put it underneath so that the customer who wants to know what the fiber content is can turn it over and look at it. There is generally a hang tag on most furniture in the store, showing the price and color and lot number, which could be used for this purpose. We are not suggesting that they sew in or in any other way make the label show permanently on a piece of upholstery.

The CHAIRMAN. It could be readily removed when sold to the consumer, or the consumer can remove it himself?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. Similar to when you buy pillows—there is always a tag on there that says what it is, and you tear it off.

Mr. YOUNG. Yes, sir. Or on socks—when you buy socks there is a gum sticker around the two socks. It can be put on in that way and ripped off.

The CHAIRMAN. The Senator from Ohio.

Senator LAUSCHE. The purpose of this bill, S. 1616, is to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products and for other purposes. The exact wording is used in the purpose paragraph of H. R. 469.

The primary purpose of the bill is to protect the public against deception in labeling and advertising; is that correct?

Mr. YOUNG. I think that is correct, sir. And also to give the consumers an opportunity to find a type of garment or fabric that they desire. If they desire all cotton they can so identify it.

There is one further purpose, and that is to protect the producers of these fibers in the same manner, so that a consumer who desires to buy their product can go to a store and get it.

Senator LAUSCHE. So that you don't want a consumer to be under deception of the seller, getting something else when he thinks he is getting a cotton; is that correct?

Mr. YOUNG. That is correct. We want them to know what they are buying, whether synthetic, cotton, or a blend of the two.

Senator LAUSCHE. And it is your position that when he is getting a synthetic fiber, believing that he is getting a cotton, he is being defrauded?

Mr. YOUNG. Well, that would depend, sir. We won't make that statement in every instance. He certainly is not getting what he thinks he is or what he wants in certain instances. But he may be

getting a better product for some purposes if it is one of the more expensive synthetic fibers or a blend of the proper amount of fibers. He will be getting a product that is not as good as what he wants for some purposes if he gets one of the cheaper synthetics.

Senator LAUSCHE. In any event, you have two purposes in mind; one, generally to protect the public; and, secondly, to protect the cotton grower?

Mr. YOUNG. Yes, sir.

Senator LAUSCHE. May I ask you, what relationship does your request that these products be labeled on the basis of the country of their origin have to this deception that you are complaining about?

Mr. YOUNG. I don't think that there is any direct relationship. The Congress, in I believe the statutes governing the entry of goods into this country from foreign countries, included a provision designed to inform consumers when they were getting a product which had been imported.

Senator LAUSCHE. But the core of what you are aiming at in this bill, the protection of the consumer, has no relationship to the country or origin?

Mr. YOUNG. That is correct, sir.

Senator LAUSCHE. That is, whether it is a textile manufactured in a foreign country or in this country, the basic principle is that you want the consumer to be told what he is buying?

Mr. YOUNG. Yes, sir.

Senator LAUSCHE. And it is correct that the country of origin has no pertinency to the prime thing that you are trying to achieve in this bill?

Mr. YOUNG. I wouldn't want to say no pertinency, Senator. If I may go ahead with the explanation that I started to give:

There are statutes which require the labeling of imported products in certain instances. But they are not too clear as we understand it, and the question arises as to whether a label is required on a shirt, for example, that was manufactured in this country, from a fabric which was made in a foreign country.

There are a number of products that you see labeled with the country of origin, "made in country X." The question is, is the consumer being deceived when he buys a shirt or other garment made in this country from a fabric that was made abroad and there is no indication that it is an imported fabric.

I don't want to leave the impression that we think that this is a tremendously important feature, but we do think it does have relevancy to this bill to clear up the question and make it explicit as to when a product that is imported should be labeled and when it shouldn't.

Many consumers have preference for articles made in this country. In other instances they prefer imported products or garments made from imported fabrics. In like manner certain consumers have preference for the products of certain countries and dislike those from other countries.

Senator LAUSCHE. Wouldn't you practically be achieving the same objective through your voluntary act of labeling the product as made in the United States, without requiring that it be identified as being made in some other country?

Mr. YOUNG. Our experience with attempting to get voluntary identification of cotton products, sir, is that you can get a fairly good compliance. We got, I think, up to around 60 or 65 percent compliance with the drive we had on to identify cotton in advertising. But you never can get full compliance with it.

The CHAIRMAN. I think the Senator from Ohio and I are bothered about one thing. This bill is designed generally to protect the American consumer by labeling what is in the product?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. But if a product comes in from a foreign country, all you are requiring is that it say, for example, to take cotton, "Made in Japan"?

Mr. YOUNG. No, sir; that is in addition to identifying the fiber content.

The CHAIRMAN. When the Japanese ship over textiles, do they put on those textiles the content?

Mr. YOUNG. No, sir. Generally speaking, they don't. They are not required to. They would be required to under this bill.

The CHAIRMAN. But when they are put up for sale, they would be required to show what percentage was in the product of cotton or other materials, and they would also be required to say "Made in Japan"?

Mr. YOUNG. If this bill became law; yes, sir. But under present law there are certain circumstances where the product would have to be identified as having been made in Japan, for example. However, as I indicated, the provisions are not clear.

The CHAIRMAN. Customs requires everything that comes in to be labeled on the outside, the country of origin. Once it is put on the shelf there isn't any way that you can follow it.

Mr. YOUNG. That is where the fuzzy nature of statute comes in. This would require the individual article to be labeled as to country of origin. The presumption is that the purpose of that statute was to inform the public when they were buying an imported product and when they were getting one that was made in this country.

The CHAIRMAN. Let me go further. I think what was bothering the Senator from Ohio is bothering me. Let's take a shirt manufacturer, who would bring in textiles from Japan and make shirts. He would not be required to say that this shirt contains goods from Japan, but he would be required to put under his label the contents of the goods.

Mr. YOUNG. Under the language that I furnished the committee, and under the language of S. 1616, he would be required to show that the fabric was made in Japan.

The CHAIRMAN. And the contents of the goods, too; both?

Mr. YOUNG. Yes, sir.

Senator POTTER. And if it were made in the United States, and the fiber came from Japan, he would be required to say that the fiber came from Japan, under your amendment?

Mr. YOUNG. The amendment that I suggested, that we are suggesting, plus that in S. 1616, would not go back to the fiber. It only goes back to the fabric itself.

Senator POTTER. If the fabric came in, was manufactured into articles here, the fabric would have to be identified as being fabric made in Japan and manufactured in the United States?

Mr. YOUNG. Yes, sir; and the garment, or what have you, made from the imported fabric, would have to be identified to show that it was composed of fabric made in Japan, Germany, or whatever country.

Senator POTTER. Isn't it true, for example, that your National Cotton Council spends a good deal of money and effort to advertise to get people to use more cotton?

Mr. YOUNG. Yes, sir. Farmers put up 20 cents a bale to participate in this endeavor in support of the National Cotton Council. One of the principal purposes of the council is to advertise their products.

Senator POTTER. Another thing you object to is having synthetics come in and utilize your advertising with the consumer assuming he is getting cotton when he is not?

Mr. YOUNG. Yes, sir. Spun rayon can be processed on the same equipment as cotton is, and you can't tell the difference between cotton and rayon fabrics, even if one is 100 percent rayon. Particularly, it is impossible to do so in a blend. If we convince the consumer that cotton is better than some of these other fibers and she wants to buy a piece of cotton goods, cotton shirt or trousers or coat, presently she can't tell when she is getting cotton. We think she is entitled to know and we think that the farmer is entitled to the protection this bill would give him.

The CHAIRMAN. These piece goods you submitted are all cotton?

Mr. YOUNG. Yes, sir. They are some of the newer finishes. We wouldn't want to bring in cotton and rayon blends to show the committee; I am sure you are aware of that. But we did want you to see the variations that you can get with cotton fabrics. Every one of those is 100 percent cotton.

Senator LAUSCHE. Mr. Chairman, I would like to have incorporated in the record now the statement made by the Department of State concerning this subject which we are discussing, and I might as well read it: "This paragraph"—to which the Department makes objection——

does not appear to be consistent with the stated purpose of the bill—"to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products"—since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question insofar as it applies to textile fiber products in the State in which they are imported is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consists in part of imported textile fiber products.

That is what you want included?

Mr. YOUNG. Yes, sir.

The CHAIRMAN. The letter of the Department of State to this committee, dated August 22, will be put in the record in full. It refers to the House bill. We asked for a report.

(The letter follows:)

DEPARTMENT OF STATE,
Washington, August 22, 1957.

HON. WARREN MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Inasmuch as H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products and for other purposes, has been referred to the Committee on Interstate and Foreign Commerce, the Department wishes to make the following comments on H. R. 469:

With the exception of paragraph (4) of subsection (b), section 4, the Department has no objection to the enactment of H. R. 469 from the standpoint of its possible effect on United States foreign relations. This paragraph provides that an imported textile-fiber product shall be held to be misbranded unless the name of the country "where processed or manufactured" is shown on a stamp, tag, or label on, or affixed to, the product.

This paragraph does not appear to be consistent with the stated purpose of the bill, "to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products," since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question, insofar as it applies to textile-fiber products in the state in which they are imported, is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consist in part of imported textile-fiber products.

The United States has contractual relations with many countries providing that imported products shall be accorded treatment no less favorable than that accorded to like products of national origin in respect of all laws, regulations, and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. Such treatment has been interpreted to mean that when goods have duly passed into domestic trade, they can be subject only to the same taxes, laws, and regulations as are applicable to similar domestic goods. In other words, the purpose of these commitments is to prevent the application of any hidden discrimination or restriction against imported goods once they have been properly imported and cleared through customs, such goods thereafter being treated in all respects in the same manner as domestic goods. H. R. 469 does not require an indication that textile-fiber products are made in the United States when this is the case. In other words, foreign textile-fiber products would not be treated in the same manner as the domestic article.

In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469, there appears to be a more general problem posed by the effect of such regulations upon that broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American-manufactured products, constituent parts of which are imported—and once applied to textile-fiber products a precedent will have been established—marking requirements would be come so onerous as to impede seriously the use of imported materials in any product manufactured within the United States.

The Department is seriously concerned about the implications of the cited paragraph of H. R. 469, and recommends that it be deleted from the bill.

Sincerely yours,

JOHN S. HIGHLAND II,
Acting Assistant Secretary for Congressional Relations
(For the Secretary of State.)

Senator LAUSCHE. May I say that I read that into the record because I am of the opinion that all too frequently letters of opposition by the department are lost somewhere in the back part of a report, while the entire report is made up of testimony and documents that are given conspicuous place, compared to the oblivion to which departments' letters are assigned. I am not saying anything to the chairman on that.

The CHAIRMAN. On everything we pass out, this committee puts every communication from every department in the record, for or against. I must say some of them we don't like to put in, but we do.

Senator LAUSCHE. That is true. They have all been in.

Mr. YOUNG. I would like to call attention to the stated purposes of the bill. It does say, in addition to the things you mentioned, "and for other purposes."

Senator LAUSCHE. That is a weak way of pulling in something very important by omnibus language. That is pulling it in by the tail, instead of leading it in by the head.

The CHAIRMAN. Are there any further questions of Mr. Young?

Senator YARBOROUGH. Mr. Young, you have seen this fabric where one side of the cloth is 100 percent silk and the other side 100 percent cotton?

Mr. YOUNG. No, sir; I have not.

Senator YARBOROUGH. I mean it is genuine. It is not a fake?

Mr. YOUNG. No, I haven't see it. I don't know of it.

Senator YARBOROUGH. They have had it at least 12 years. I was just talking about the problem of knowing what is in something by looking at it.

Mr. YOUNG. It is a very difficult thing to tell what is in a product by looking at it. It is almost impossible.

Senator YARBOROUGH. I have nothing further.

The CHAIRMAN. In that case, the question from the Senator from Texas, if this bill were passed in substantially this form, there would be a requirement that they put on the label 50 percent cotton and 50 percent silk or whatever it is.

Mr. YOUNG. Whatever percentage it is by weight. It would have to depend on the weight of the silk and the weight of the cotton.

The CHAIRMAN. That is a good point to clear for the record. In talking of percentages we are talking of percentages by weight.

Mr. YOUNG. Yes, sir, percentages by weight in all cases.

The CHAIRMAN. Then there would be a requirement to indicate it is part cotton and part silk, or whatever it was?

Mr. YOUNG. Yes, sir; that is correct.

The CHAIRMAN. If there are not further questions of Mr. Young, we thank you very much for your testimony.

The Chair wants to state, I did intend to go on when I scheduled these hearings this afternoon, but we have a very important matter on the floor of the Senate involving the debt limit of the country. We will have to recess the hearings until tomorrow morning at 10:30.

(Thereupon, at 12:17 p. m., the committee was adjourned, to reconvene at 10:30 a. m., Tuesday, February 25, 1958.)

TEXTILE LABELING LEGISLATION

TUESDAY, FEBRUARY 25, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The committee met, pursuant to adjournment, at 10:47 a. m. in room G-16, United States Capitol, the Honorable Warren G. Magnuson, chairman of the committee, presiding.

The CHAIRMAN. The committee will come to order.

Several other Senators will be here. We have so many witnesses, we had better start. Our senior Senator from Alabama is here. We would like to hear from him first, because we know how busy he is with other committees. We will be glad to hear from you.

STATEMENT OF HON. LISTER HILL, A UNITED STATES SENATOR FROM THE STATE OF ALABAMA

Senator HILL. Thank you, Mr. Chairman. I deeply appreciate the opportunity to appear before this committee in support of the textile fiber products identification bill, which I have the privilege of cosponsoring along with the distinguished chairman of this committee, Senator Magnuson, another distinguished member of this committee, Senator Monroney, and our friend from Mississippi, Senator Stennis.

It is most gratifying to me that the House of Representatives in the last session passed H. R. 469, which is very similar to our bill, S. 1616.

The purpose of the textile fiber products identification bill is to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. I strongly believe that the legislation is vitally needed for the protection of both the consumer and the American cotton farmer, for the blending of synthetic fibers which traditionally have been all cotton is increasing sharply.

For example, rayon, which is presently 6 to 10 cents a pound cheaper than cotton on a waste-free spinable basis, is blended with cotton to take advantage of the lower price of rayon staple fiber. In addition, synthetic fibers are frequently blended with cotton to achieve certain desirable qualities, such as luster, strength, and crease resistance.

I wish to emphasize, Mr. Chairman, that I am not in any way opposed to fiber blending. New and different properties can be imparted to fabrics by mixing two or more fibers. But the qualities that result from such blending depend not only on the type of fibers in the blend, but also depend on the amount of each fiber in the product. This fact is a compelling reason for mandatory fiber identification.

All too often the amount of the synthetic fiber in the blend is so negligible—less than 5 percent—that the character of the product is unchanged. These fibers may be included so that the product can be advertised as containing nylon, or dacron, for example, to capitalize on the promotional value of such fibers. In addition, the addition of these fibers in very small amounts adds little if anything to the value of the product, and the consumer does not get that which he has a right to expect.

Furthermore, products in which certain synthetics are blended with cotton are not as serviceable as all-cotton products, or they will not stand up in washing as well as cotton, and often require special care. We are, therefore, confronted with a situation in which the consumer suffers because he is deprived of getting the product which he has a right to expect and which he has paid for. The farmer suffers because his product, through no fault of his own, takes the blame for poor performance. And eventually, I think, the textile manufacturer will suffer because the small quantities of fiber such as rayon are blended with more and more products and dissatisfaction with the resulting blend spreads, and public confidence in textile products will be undermined.

Indeed, there will be no protection for the manufacturer who earnestly desires to maintain high quality and to give the consumer a dollar's value for a dollar spent. The textile fiber products identification bill will provide for proper fiber identification for all textile products except wool in interstate commerce. It will require that the fiber content expressed in percentages be shown on the label of each textile product, which is prepared for use by the ultimate consumer.

Fiber identification of unfinished textile products will be accomplished by certification on the invoice covering shipment.

S. 1616 and H. R. 469—the Senate and House bills—would have the effect of extending to cotton and other fibers the same protection now afforded by the Wool Products Labeling Act which was passed by Congress some 19 years ago. Not only does the raw-cotton industry need protection from unfair competition, but in addition, Mr. Chairman, the American people are entitled to know the content and quality of textile products which they purchase.

Fair competition and honest advertising are fundamentals to the successful functioning of our American system of free enterprise, and I strongly believe our bill will do much toward preserving these fine traditions of our American free-enterprise system.

Mr. Chairman, we are fortunate to have with us today one of Alabama's finest citizens and one of the Nation's outstanding agricultural leaders, my friend of many years, Mr. Walter L. Randolph, who is the president of the Alabama Farm Bureau Federation, and the vice president of the American Farm Bureau Federation.

Mr. Randolph is here today to give the committee the benefit of his views and thinking on the proposed legislation, the benefit of the views and thinking of the Farm Bureau Federation, and I would like at this time to present to the committee Mr. Walter Randolph.

The CHAIRMAN. Senator, we will be glad to hear from Mr. Randolph.

The House bill, of course, has already passed and we have that before the committee as well as the bill introduced by yourself and myself and other cosponsors. The House bill differs from the Senate

bill in a few items. I want to ask your opinion about them. As a practical matter, if we can work these differences out, we might have a better opportunity to get the bill before the Senate.

On page 7 of the House bill there has been suggested here—by the fur farming organization people who testified yesterday—an amendment to section 4 which would tighten up the authority of the Federal Trade Commission regarding misleading advertising which would mention the fur name of the animal. Most of the testimony was regarding mink. I would suggest that you and Mr. Randolph and the other people interested, particularly the cotton groups, give the committee the benefit, either now or later on in the record, of whether or not that amendment might be acceptable. It will speed matters up.

On page 8, line 22, the House made a fairly substantial change regarding the products that are imported. They changed the House bill and they added:

If it is an imported textile fiber product, the name of the country where processed or manufactured.

In other words, the requirement would be to place on the label "Made in X country." Do you have any opinions on that?

Senator HILL. Mr. Chairman, I would like Mr. Randolph to address himself to that. As I see it, I can see no objection to that change.

The CHAIRMAN. Mr. Randolph, as the committee understands it, imported textile fiber products, if this bill is passed, would be required to place on the label the percentages of the cotton and whatever else might be placed in the textile. But there would be added the further requirement to place on the product "Made in X country."

STATEMENT OF WALTER L. RANDOLPH, VICE PRESIDENT, AMERICAN FARM BUREAU FEDERATION

Mr. RANDOLPH. I believe that my best answer to that would be that both the Senate and House bills are probably broader than they need to be in showing the country of origin of imported products.

The CHAIRMAN. For instance, the Senator from Ohio sought to bring out the point by asking the witnesses whether there would be any connection between the type of fiber and the fact that it was "Made in X country," and they said there would be no direct connection but there might be some indirect implications by placing that on the label.

I suppose the indirect implications would be by reputation of the company involved.

Mr. RANDOLPH. As far as we are concerned either the Senate or House drafts would be satisfactory on that.

The CHAIRMAN. You can place this in the record later, if you wish, I understand this catches you a little bit short.

The other change made, on page 18, the House and the Senate version seems to be at variance on the exemptions. Exemption No. 2, line 7, on the question of the outer coverings of furniture. The Cotton Council witness, Mr. Banks Young, testified he thought that ought to come out—that exemption.

Senator HILL. What page is that?

The CHAIRMAN. Page 17 of the House bill, exemption No. 2, outer coverings of furniture.

Mr. RANDOLPH. I think that that is in the House bill; is it?

The CHAIRMAN. Yes.

Mr. RANDOLPH. And not in the Senate?

The CHAIRMAN. That's right.

Mr. RANDOLPH. Our opinion would be that exemption should be taken out of the bill and that the bill should cover the coverings of furniture.

The CHAIRMAN. In the same group of exemptions, exemption 5 in the Senate bill and 6 in the House bill deal with backing of floor coverings. Congressman Smith, author of the House bill, suggested yesterday to the committee that that come out for the reason that the House committee generally felt that backings didn't have much to do with the quality or the nature of the rugs. They have since discovered, since last August, that it has a great deal to do with it.

Senator HILL. I notice that is in both bills, Mr. Chairman.

The CHAIRMAN. Yes.

Mr. RANDOLPH. It is not a matter of too great importance. But since it is in both bills I believe we take the view that it should remain in.

The CHAIRMAN. But there is no particularly serious objection one way or another?

Mr. RANDOLPH. Not too serious.

The CHAIRMAN. The only other discussions between the two bills was on the effective date of the act. We have it as 18 months in both bills. Congressman Smith testified yesterday he thought that even this was a little bit longer than he personally would have liked it. He suggested maybe 12 months would be enough. I wondered if you and Senator Hill had any opinion on that.

Senator HILL. Mr. Chairman, it seems to me 12 months is a whole year. I would think that would be a long enough period. That gives, I would think, sufficient notice as to the bill and the requirements of the bill. I don't know why 12 months isn't long enough. That is a whole year's time.

Furthermore, in addition to the 12 months we realize this bill has been here some time. There is no surprise about it. Certainly if you give them 12 months, that is a pretty good length of time.

The CHAIRMAN. Just briefly for the record, I would like your opinion later on before the record is closed, as to whether or not in either case we should have an exemption in the bill for stocks on hand.

Mr. RANDOLPH. I believe it is in here.

The CHAIRMAN. I believe it is in the House bill. We would like your opinion as to whether or not we should make it clear in either bill as to stocks on hand.

Mr. RANDOLPH. I believe the last sentence in the House bill says:

The Commission shall provide for the exemption of any textile fiber product acquired prior to the effective date of this act.

Let's see what the Senate bill says. It says the same thing.

Senator HILL. It is the same in both bills.

Mr. RANDOLPH. My opinion is that it should be in there.

The CHAIRMAN. It is your best opinion that whether we make it 18 months, 12 months, or any period of time, that should stay in both bills.

Mr. RANDOLPH. Yes. I don't disagree with Senator Hill about the 12 months. However, if that caused any opposition to the bill, I don't believe I would make the change because there is not much difference between 12 and 18 months.

The CHAIRMAN. All right, Mr. Randolph, as long as you are right here with Senator Hill, we will be glad to hear from you on your statement as to the general purposes of the bill.

Mr. RANDOLPH. Mr. Chairman and gentlemen of the committee, in the first place I want to say that I appreciate the opportunity of appearing before this committee, and I am also greatly honored to appear here in the company of the distinguished senior Senator from Alabama.

He is a man with great honor in his own State of Alabama, as in the United States.

The CHAIRMAN. And to be more specific, in the United States Senate.

Mr. HILL. Thank you, Mr. Chairman.

Mr. RANDOLPH. The witness agrees.

The American Farm Bureau Federation has had a long and continuing interest in labeling legislation. The official voting delegates of the member State farm bureaus at our last annual meeting in December 1957 approved the following policy:

We insist that appropriate action be taken to require the proper labeling, including the ingredients and percentages thereof, of all products offered to the public in imitation of, or as a substitute for, or in the adulteration of, any product produced on the farm or processed from a farm product.

We recommend the enactment of legislation to require labeling of textile products to disclose percentages of fiber content. Such labeling is necessary to provide adequate information to consumers and assure fair competition among the various fibers.

Imported products should be subject to the same labeling and health standards as domestic products.

We favor the enactment of H. R. 469 and S. 1616, with the minor differences between the two bills appropriately reconciled.

Similar legislation, the Wool Products Labeling Act of 1939, was enacted for wool and has worked satisfactorily. Farm Bureau was very active at that time in support of the wool labeling legislation. Under the provisions of this statute the purchase of products made from wool is given assurance that he receives what he has bargained for. S. 1616 and H. R. 469 are designed to accomplish for nonwool fibers what the Wool Products Labeling Act has accomplished for wool.

The proposed legislation has been carefully drafted to provide necessary standards, exemptions, and procedures. Under its provisions a purchaser of any product made from a fiber or fibers covered by it can be reliably informed with respect to its fiber content. We do not believe that the enactment of this legislation would impose any unreasonable burden on manufacturers and processors of textile fiber products.

The legislation has been drawn carefully in order to minimize the additional effort required by processing and merchandising groups to comply with its provisions. For example, until the textile product is in the form intended for use by the ultimate consumer, fiber identification may be accomplished by a statement on the invoice, shipping

papers, or other such documents rather than on individual boxes, cartons, or other containers. In addition, fiber identification does not require a separate, individual label, since fiber content may be included on the size tag, brand label, or other identification customarily used by the manufacturers of the consumer article.

This legislation will benefit both consumers and producers of fibers. It provides fair competition by informing customers exactly what they are getting and it provides a reasonable way consumers may be sure they are getting what they want.

The American Farm Bureau Federation appreciates the opportunity of presenting, very briefly, its views on these bills and respectfully urges early and favorable action by the committee in order to permit the completion of congressional action at the earliest possible date.

The CHAIRMAN. Thank you, Mr. Randolph.

Are there any questions of Senator Hill or Mr. Randolph?

Senator LAUSCHE. Yes.

The CHAIRMAN. Senator Lausche.

Senator LAUSCHE. Mr. Randolph, do you understand that the State Department is opposing the language in the bill which would require labeling in a manner that would inform the buyer that the produce was made in a foreign country?

Mr. RANDOLPH. No, sir; I didn't know that, but I am not surprised at it.

Senator LAUSCHE. Having in mind that the bill does contain the language in paragraph 4 of section 4,

"If it is an imported textile fiber product in its original state or contained in other textile fiber products, the name of the country of origin * * *.

would have to be placed upon the label.

Are you of the mind that this is indispensable for the protection of your cotton growers?

Mr. RANDOLPH. No, sir. Not to that extent.

Senator LAUSCHE. I notice that in the third subparagraph of your first page you say,

Imported products should be subject to the same labeling and health standards as domestic products.

Mr. RANDOLPH. That is right, and that is our policy on that particular point; yes, sir.

Senator LAUSCHE. That is, all you would want is the identical label?

Mr. RANDOLPH. We are not necessarily opposing the provisions of the bill on this subject, but what we are recommending is what we say in our resolution and in our statement.

Senator LAUSCHE. That is, you are not opposing section 4, but in your opinion it is not indispensable to the procurement of the good which you think this bill will generally achieve?

Mr. RANDOLPH. It is not an essential part of the legislation, Senator, though I don't want to go on record here as opposing it. We have endorsed the bill. We don't expect any bill to be exactly as we recommend.

Senator LAUSCHE. Thank you, Mr. Chairman.

The CHAIRMAN. Are there any further questions of Mr. Randolph or Senator Hill?

If not, we thank you both.

Senator HILL. Mr. Chairman, we thank you and express our deep appreciation to each and every member of this committee.

Thank you, very much.

The CHAIRMAN. Because we couldn't go on yesterday afternoon with some of the witnesses who expected to testify yesterday, we will have them testify first.

Mr. Marsh, executive secretary of the Wool Growers Association, Salt Lake City, Utah. We will be glad to hear from you.

**STATEMENT OF EDWIN E. MARSH, EXECUTIVE SECRETARY,
NATIONAL WOOL GROWERS ASSOCIATION**

Mr. MARSH. Mr. Chairman and members of the committee: My name is Edwin E. Marsh. I am executive secretary of the National Wool Growers Association with headquarters in Salt Lake City, Utah. We are the oldest national livestock organization in the United States and for 92 years we have been the recognized spokesman for the farmers and ranchers of the Nation who grow wool and lambs.

I am also authorized to present this statement in behalf of the National Wool Marketing Corp. with headquarters in Boston, Mass. The National Wool Marketing Corp. is the largest cooperative wool marketing organization in the United States and has some 85,000 wool growers in its membership.

We endorse H. R. 469 as it was passed by the House. We so testified in the House hearings on this measure. This legislation would assure consumers of all textile fiber products, benefits and protection similar to those which they have enjoyed for the past 18 years under the Wool Products Labeling Act. We believe that consumers are entitled to proper labeling of all textile fiber products to guide them in their purchases. We would be unalterably opposed to any amendments to this legislation which would repeal the Wool Products Labeling Act. This very beneficial act has been protecting consumers of wool products from its inception in 1940. The Wool Products Labeling Act became law only after many years of effort on the part of our association and other agricultural and industry organizations. In fact, the idea of setting forth the truth in the labeling of fabrics was before Congress for about 30 years before the Wool Products Labeling Act became law in 1940.

The Wool Products Labeling Act requires products containing wool (with certain specified exceptions) to be labeled to show the percentage of new wool, reprocessed wool, reused wool, and any other fibers present.

Reprocessed wool is derived from certain wastes and swatches accumulated in textile manufacturing, plus new scraps and clips from garment manufacturers and tailors, none of which have ever actually been used. These are then ground up into a fibrous state and converted into yarns and knitted and woven fabrics.

Reused wool is wool that has been previously used by consumers and then ground up and remanufactured into a woven or knitted product. It represents ordinary used rags collected by rag dealers who sort these old rags according to the type of goods, their color, and their weight. These rags then go to a shoddy mill or are processed by the textile manufacturer using them.

When H. R. 469 was being considered in the House of Representatives, some industry groups sought labeling legislation in which the Wool Products Labeling Act would be eliminated. The reason for this attempt is the desire of these groups to eliminate the requirements that products containing reprocessed wool and reused wool must be so labeled. They want all of it labeled simply as "wool." Any such proposed amendment to the legislation presently under consideration would be in contradiction to its preamble which states that one of the purposes of the legislation is to protect consumers against misbranding of textile fiber products.

Certainly there is a place in the market for fabrics containing blends of reprocessed or reused wool, and if such materials are fairly priced, and if such blends are as worthy as their proponents claim, we believe they will sell and continue to sell. We merely state that they should be adequately and properly labeled so that their performance can be rightly judged.

In order to understand this problem it is necessary to consider for a moment the nature of wool. Wool scientists tell us that each individual wool fiber has an outer protective coating like the bark of a tree. These outer scales slip in and out like the parts of a telescope, allowing the fiber to be stretched to 30 percent of its length and then returned to its original dimension. This characteristic provides a resiliency that is reflected in fine tailoring. The inner portion of the fiber is composed of countless individual cells that are interlaced and which slip in and out like the leaves of a spring when the fiber is bent. This characteristic provides a resistance to wrinkles. Furthermore, as the individual fibers are worked together in the manufacturing process, the individual outer scale formations interlock in such a manner as to entrap countless thousands of minute air spaces, which provides wool with its unusual thermal qualities. Now, when wool fibers are ground up into a fibrous state to form reprocessed or reused wool the scale formation, the inner cells, and the fibers themselves are inevitably broken, damaged, frayed, and weakened. Therefore, such reprocessed or reused wool is inevitably poorer in performance than the new wool from which it was originally obtained.

The conclusion cannot be escaped that the fundamental difference between new wool and previously manufactured and used wool is the fundamental difference between new and previously used materials of like grades and qualities; just as a new Cadillac is better than a secondhand Cadillac and a new Chevrolet is better than a secondhand Chevrolet.

Claims have been made by those attempting to repeal these labeling requirements that wool rags are being shipped from the United States to foreign countries, are made into wool fabrics and are shipped back into this country represented as products containing new wool. We seriously doubt that such a deceptive practice is widespread. If it is, then the Federal Trade Commission should certainly investigate and bring charges. Certainly the claim that the public is being deceived by mislabeled imports is no ground to repeal provisions of the Wool Products Labeling Act, thus paving the way for greater deception than may now exist.

The statement that there are no known laboratory methods for determining the presence of reprocessed or reused wool present in any

wool product has been contradicted by J. R. Moller, former Chief of the Bureau of Animal Husbandry, United States Department of Agriculture. In a letter addressed to the House Committee on Interstate and Foreign Commerce on March 18, 1939, and included in the record of the House hearings on the Wool Labeling Act, Mr. Moller, replying to questions which the committee asked him, wrote in part as follows:

The percentage of virgin wool and reworked wool in a fabric may be determined. Based upon the Bureau's research with microscopical methods upon fabrics of known fiber content in which only new and reworked wool are present, the content of reworked wool or virgin wool may be detected within 10 percent.

The CHAIRMAN. Mr. Marsh, how do they indicate that on the label? As reworked or reused wool?

Mr. MARSH. Either "reprocessed" or "reused," or "wool" if it is new wool.

The CHAIRMAN. If it is new wool it sometimes uses the words, "virgin wool"?

Mr. MARSH. Yes, sometimes the words "virgin wool" are used.

The CHAIRMAN. If it is reworked wool, do they use such words?

Mr. MARSH. The term "reworked" is not used but the terms "reused" and "reprocessed" are used when those kinds of wool are contained in the product.

The CHAIRMAN. How would we buy a suit, using your descriptions? Some of the descriptions you have used sound like some of my suits. How do I know I am getting reused wool or virgin wool? Would it so state on the label?

Mr. MARSH. Yes. For example, the label might state, "30 percent reused wool, 70 percent new wool."

The CHAIRMAN. I don't believe I have ever seen that. Maybe I have never looked.

Mr. MARSH. Maybe you have never bought any suits of that kind, Senator.

The CHAIRMAN. Under the present law they are required to do that?

Mr. MARSH. Yes, that's right.

I might say. Mr. Chairman, I don't know whether any effort is being made before this committee to repeal those requirements.

The CHAIRMAN. I don't know, either. We have a lot of witnesses here. I don't know whether any of them will advocate that. The two bills do not, as written.

Mr. MARSH. Yes.

The CHAIRMAN. Go ahead.

Mr. MARSH. In conclusion we should like to call your attention to these important facts:

1. The consuming public without the requirement for labeling of reused and reprocessed wool would be deceived into thinking they were buying a product made of new wool and, following poorer service, could become alienated to wool.

2. The manufacturer who uses new wool should be protected against unfair competition from manufacturers using reprocessed and reused wool.

3. The elimination of reprocessed and reused labeling requirements could reduce the use of new wool and weaken the domestic wool market.

The 93d annual convention of the National Wool Growers Association held January 20 to 23 of this year unanimously passed a reso-

lution opposing any legislation which would repeal or change the Wool Products Labeling Act. The National Wool Marketing Corp. has endorsed this resolution. The main purpose of the labeling legislation is to protect the consuming public against deception and fraud. The legislation before your committee, in its present form, will accomplish this purpose. We endorse and urge its passage. Thank you.

The CHAIRMAN. Under the Wool Products Labeling Act, which we have here, would you think that someone would be in violation if, say, on television they said, "We are having a sale of wool suits" without mentioning whether it was reused wool or virgin wool, and when the person got down there the person found in the label, "reused wool"? Would they be in violation of the Wool Act?

Mr. MARSH. I don't think so because I don't think at the present time they are required in the advertising to state the content, but—

The CHAIRMAN. They can just use the words, "wool suits"?

Mr. MARSH. Yes.

The CHAIRMAN. You don't think they would be in violation of the Wool Products Labeling Act?

Mr. MARSH. No, not according to my understanding of it.

The CHAIRMAN. But if they misbranded the goods in the store, they would be definitely in violation?

Mr. MARSH. Yes.

The CHAIRMAN. Or if they failed to use the words, "Used wool" or similar wording?

Mr. MARSH. Yes. A label would have to be attached to the suit setting forth the contents.

The CHAIRMAN. They could advertise "wool suits" without being in violation?

Mr. MARSH. Yes.

The CHAIRMAN. Do you think it should be changed?

Mr. MARSH. If practical to do so. It would no doubt add to the protection of consumers even though they are protected by the label requirement.

The CHAIRMAN. I have never seen or heard an advertisement on radio or television where it was stated, "We are having a sale of reused wool suits."

Mr. MARSH. No.

The CHAIRMAN. That is what some of them would be selling in some cases?

Mr. MARSH. In some cases; yes.

The CHAIRMAN. I don't think anybody else has seen or heard that, either. They just use the words, "wool suits."

Are there any questions?

Senator THURMOND?

Senator THURMOND. No, sir.

The CHAIRMAN. Senator Lausche?

Senator LAUSCHE. I have none.

The CHAIRMAN. Senator Payne?

Senator PAYNE. I have none.

The CHAIRMAN. Thank you, Mr. Marsh.

STATEMENT OF HON. ALAN BIBLE, A UNITED STATES SENATOR
FROM THE STATE OF NEVADA

Senator BIBLE. Mr. Chairman, in connection with this committee's consideration of H. R. 469 and S. 1616 on the matter of textile labeling, I wish to submit for the record a letter I have received from Mr. John E. Humphrey, secretary of the Nevada Wool Growers Association, concerning the Wool Products Labeling Act.

Wool production is an important segment of the Nevada economy and our woolgrowers feel that the Wool Products Labeling Act, which has been in effect for the past 18 years, has served to help both the consumers and producers of wool products in its requirements that the purchasers be shown by the label whether the wool is new virgin type, reprocessed, or reused.

The growers of my State feel this is especially important now that they are in the process of promoting and advertising their product to the public on a nationwide basis through the American Sheep Producers Council.

Both S. 1616 and H. R. 469, as now before this committee, do not contemplate any change in the requirements of the present Wool Products Labeling Act. However, when H. R. 469 passed the House of Representatives, certain groups sought to amend the act and remove the requirement that wool product labels show when reprocessed or reused wool was used in a fabric or garment.

The concern of our wool producers is that any such attempt to amend the pending legislation in that respect should be rejected by this committee, and I emphatically endorse the position they take.

(The letter referred to is as follows:)

NEVADA WOOL GROWERS ASSOCIATION,
Reno, Nev., February 5, 1958.

Hon. ALAN BIBLE,
*Senate Office Building,
Washington, D. C.*

DEAR ALAN: We understand that a subcommittee of the Senate Interstate and Foreign Commerce Committee will hold hearings on H. R. 469, the textile fiber labeling bill, which has already been passed by the House.

The National Wool Growers Association, with which we are affiliated, supported H. R. 469 in the form passed by the House. Our reason for supporting the bill in this form is that it leaves our Wool Products Labeling Act intact. The Wool Products Labeling Act has been benefiting the consuming public as well as the wool industry for the past 18 years. It was enacted after many years of effort on the part of our industry to secure truth-in-fabrics legislation.

One of the most important features of the Wool Products Labeling Act is that it requires a product containing reused or reprocessed wool to be so labeled for the protection of the consuming public. Reused wool fabrics are made from old wool rags and other used wool products, which are ground up and rewoven. Reprocessed wool fabrics are made from scraps of new wool, which are also ground up and rewoven. Laboratory tests have proven that wool fibers are damaged in this process, and that consequently, they are inferior and have considerable less wearing qualities than fabrics made of new wool.

Certain interests worked extremely hard when this bill was being considered in the House to have the Wool Products Labeling Act stricken and to have any wool in a product labeled simply as "wool." I am sure you can see where repeal of the Wool Products Labeling Act would not only reduce the use of new wool, to the detriment of the sheep industry, but would also deceive the public into thinking they were getting a product containing new wool. Then after inferior service of products containing reused and reprocessed wool, the public could easily become alienated to wool as a serviceable quality fiber.

We have no objections to any other amendment to this bill that your committee may see fit to make as long as the Wool Products Labeling Act is left intact. I know that our National Wool Growers Association will wish to testify in this regard when hearings are held on this legislation.

We will greatly appreciate your assistance and consideration.

Sincerely yours,

JOHN E. HUMPHREY, *Secretary.*

The CHAIRMAN. Our next witness is Mr. Apsey, attorney for the Celanese Corp., of New York City.

**STATEMENT OF LAWRENCE S. APSEY, GENERAL ATTORNEY,
CELANESE CORPORATION OF AMERICA, ACCOMPANIED BY DR.
W. E. COUGHLIN, TEXTILE EXPERT, CELANESE CORPORATION OF
AMERICA**

Mr. APSEY. Mr. Chairman and members of the committee, my name is Lawrence S. Apsey. I am general attorney for Celanese Corporation of America. I have with me Dr. W. E. Coughlin, who is one of the textile experts of our company in the field of fibers and fabrics. We are a manufacturer of textiles, chemicals, and plastics. We employ between 12,000 and 13,000 employees.

Our gross sales in 1956 amounted to \$166 million. We are the largest producer of cellulose acetate yarns and fibers. These together with rayon are known as the cellulosic synthetics and they are the first synthetics that came on the market many years ago.

We sell our yarns under the trademark Cellanese, and for colored yarns, Cellaperm. We are the only producer of a variation called cellulose triacetate yarn, sold under the trademark Arnel.

We also produce a small amount of rayon yarn. We have textile plants located in Maryland, Virginia, North and South Carolina, and Georgia. We are in favor of the general principle of informative labeling as contained in this bill, but we believe that the labeling should be required in such a way as to apply uniformly to all textile fibers, and to eliminate the confusion among consumers which now exists, and which is one of the purposes of the passage of this bill.

The CHAIRMAN. Mr. Apsey, you are reading a condensation of your testimony?

Mr. APSEY. I am condensing it.

The CHAIRMAN. We will put your testimony in the record in full.

Mr. APSEY. I would appreciate that.

(The prepared statement of Mr. Apsey follows:)

My name is Lawrence S. Apsey and I am the general attorney of Celanese Corporation of America, a manufacturer of textiles, chemicals, and plastics. Our principal production is in the fields of textile yarns and fibers. We are the largest producer of cellulose acetate yarns and staple fibers, which are sold under the trademarks "Celanese" and "Celaperm," and the only producer of cellulose triacetate yarn, sold under the trademark "Arnel." We also produce a small amount of rayon yarn. Our textile plants are located in Maryland, Virginia, North and South Carolina, and Georgia. We employ between 12,000 and 13,000 employees. Our gross sales in 1956 amounted to \$188 million.

We are not opposed to the general principle of this bill to require informative labeling. We believe, however, that it is fatally defective in three respects. First, because it does not apply uniformly to all textile fibers; second, because the requirement of percentage labeling is unnecessary and may be misleading to the consumer; and third, because injunctions may be issued even before the Federal Trade Commission has filed a complaint specifying the alleged violations.

I. UNIFORM APPLICATION TO ALL FIBERS

The passage of H. R. 469 without repeal of the Wool Products Labeling Act and the textile fiber identification requirements of the Federal Trade Commission's trade practice rules applying to numerous other fibers, will create a discriminatory situation against certain fibers. As a result, the products of some producers will be regulated by different and additional requirements than those of others, sometimes to their competitive disadvantage, and the consumer will be confused by the application of different rules to textile products containing different fibers.

This condition of discrimination and confusion exists at the present time. It should be thoroughly remedied by the Congress in any legislation designed to require identification. There are Federal Trade Commission trade practice rules applicable to the rayon and acetate industries requiring the identification of fiber content of all products containing rayon and acetate by naming the fibers in order of predominance by weight.

Percentage labeling is not required. These rules, however, apply strictly to advertising as well as to labeling. Rule 3 of the trade practice rules for the rayon and acetate textile industry requires that where weave terms, such as "satin," "taffeta," "chiffon," "velvet," "crepe," etc., are employed, there must also be "clear and conspicuous identification of the fiber content set forth with equal prominence and in close conjuncture therewith." No such requirement is imposed on other fibers by H. R. 469. Rule 6 of these rules provides that if a trademark is used in conjunction with a product, the fiber content shall be conspicuously set forth in close conjunction with the trademark. Other fibers are free from this requirement under the proposed bill.

The silk industry also has trade practice rules which require fiber identification in order of predominance by weight both in advertising and labeling. There are trade practice rules for the linen industry which require fiber identification, both in advertising and labeling, in order of predominance by weight, but limit percentage labeling to situations where there is a fiber of less than 5 percent or where the omission of percentages is likely to mislead.

Rule 5 of the Trade Practice Rules for the Linen Industry forbids the labeling or advertising of any article as a linen product when it is not composed of pure linen to the extent of at least 50 percent by weight. No similar requirement is imposed on any other products by the proposed bill. The same is true of rule 6 of the linen rules, which provides that the term "part linen" cannot be used to describe an article which does not contain linen "in substantial proportion" or when, although containing linen in substantial part, the entire fiber content is not disclosed.

In addition to the above-mentioned trade practice rules there are further separate trade practice rules relating to fiber identification for each of the following industries: hosiery, hand-knitted yarn, handkerchief fabrics, upholstery and drapery fabrics, umbrellas.

Wool products are now under strict requirements as to percentage labeling and disclosure, by virtue of the Wool Products Labeling Act; but this act makes no requirements for disclosure of fiber content in the advertising of wool products. It has numerous other fiber identification provisions differing substantially from those of H. R. 469.

In contrast, the cotton and noncellulosic man-made fiber industries have no rules for fiber identification. As you all know, a tremendous number of noncellulosic man-made fibers have recently come on the market. The best known, perhaps, is nylon, of which there are two different types. Acrylic-type fibers are produced by different manufacturers under six different trademarks. There is a dinitrile fiber called "Darvan." "Dacron" is a well known polyester fiber and there are at least five producers of polyethylene fibers, two of polystyrene fibers, one of polyvinyl acetate fiber, one of protein fiber, five of saran fibers, one of tetrafluoroethylene fiber and, of course, a growing number of producers of glass fibers. The total mill consumption of the unregulated fibers at present (that is cotton and the noncellulosic synthetics) constitutes 70.4 percent of the total United States mill consumption of fibers. Wool, silk, linen, rayon and acetate, representing 29.6 percent, are under the necessity of making fiber identification at least on labels, and, as to rayon, acetate, silk and linen, also in advertising. (Textile Organon for October 1957, page 159, latest complete statistics available on mill consumption[1955]). These are a few examples, taken at random, of inequities and confusion which will not be cured by the proposed bill.

If fiber identification is now to be required of all the fiber industries, we believe that all the trade practice rules requiring such identification should be superseded by new rules to be promulgated by the Federal Trade Commission under section 7 (c) of the bill, based upon the provisions of the new Act. To accomplish this, it is necessary to provide for the repeal of all trade practice rules relating to fiber identification. If this is not done, there will be hopeless confusion and uncertainty as to which of the presently existing rules continue to apply under the new act and which do not.

Similarly, the Wool Products Labeling Act should be repealed to give the consumer the same protection in the advertising of wool products which H. R. 469 will give her as to all other fiber products. If it is desired to continue to warn the consumer of the presence of reused and reprocessed wool, this can easily be accomplished by adding a new subsection to section 4 (b) of the bill. The amendments necessary to accomplish these results are hereto attached as exhibit "A."

II. PERCENTAGE IDENTIFICATION IS UNNECESSARY AND MAY BE MISLEADING

As indicated above, the FTC rules for the rayon and acetate industry and for the silk and linen industries, do not require percentage labeling except for minor percentages of fiber or (in the case of linen) where failure to give percentages would be misleading. This recognizes the fact that in many instances percentage labeling tends to mislead the consumer. For example, a small amount of nylon, when added to certain fabrics, imparts a degree of strength wholly disproportionate to its weight. A consumer might be wholly misled as to the significance of the nylon content if informed that the fabric contained, say, only 10, 20, or 30 percent of nylon. The Celanese Corp. produces an unusually strong type of rayon fiber which is sold under the trademark "Fortisan." This fiber imparts great strength to curtains woven with a Fortisan warp (vertical strands) and a filling (horizontal strands) of some other fiber. Very fine Fortisan yarn, constituting as little as 20 percent by weight of the total yarn content of the curtain, may be sufficient to impart the unique characteristics of a curtain both strong and sheer. Here again, a percentage designation would tend to mislead the consumer.

Moreover, the important thing in judging the characteristics of a fabric is not the exact percentage of fibers which go into it, but the weave construction, dyeing, and finishing employed. The way in which the fibers are used in the construction and the types of fibers used are what determines the most important qualities of the fabric. Large percentages of rayon or acetate, for example, are used in women's dresses at all price levels, from the most expensive Paris creations to the cheapest house dresses sold in bargain basements. Another unfortunate consequence of insisting on percentage identification is to support the false impression that any material which consists of 100 percent of any fiber is somehow superior to blended fabrics, when in fact the contrary is often the case.

There is even more objection to the requirement for the specification of percentages in advertising than in labeling. Writers of advertising copy will tell you that it is next to impossible to write an appealing advertisement about an attractive garment, when one is compelled to fill the advertisement with statistics and to consume valuable copy space in listing the percentages of the several fibers in the fabric.

If the consumer knows what fibers are present in order of predominance, she will get all the information relating to fiber content which can be of any use to her in assessing the qualities of the fabric. This type of identification will also protect her against the misleading effect of naming a small percentage of fibers which may impart important qualities when present in small quantities.

Percentage labeling is not necessary to protect the consumer against unscrupulous sellers who overemphasize a fiber which is present in insignificant quantities. This problem has been solved in the rayon and acetate industries by a provision in the FTC rules which forbids the designation, except as "other fibers" or "miscellaneous fibers," of fibers constituting 5 percent or less of the fabric, unless the percentage of such other fibers is named. There is a provision in section 4 (b) (2) of H. R. 469 which takes care of this problem in an even better way, by absolutely forbidding the naming, except as "other fibers," of any fiber constituting 5 percent or less of the fabric. If it is not felt that this provision gives adequate protection, the obvious remedy is to raise the

percentage to which it applies from 5 percent to, say, 10 percent or even 15 percent if deemed desirable.

A proposed amendment to eliminate the requirement of percentage labeling is attached as exhibit B.

III. AN INJUNCTION SHOULD BE ISSUED ONLY AFTER FILING OF A COMPLAINT BY THE FTC

Section 8 of the bill permits the Commission, when it has reason to believe that the act is being, or is about to be, violated, to bring suit in the United States district court to enjoin the doing of acts deemed unlawful under certain sections, and provides that upon proper showing a temporary injunction or restraining order shall be granted.

This procedure can be followed prior to the issuance of a complaint by the Commission and it is contemplated that the injunction will continue in force until such a complaint is issued and either dismissed, set aside by the court, or until a cease and desist order is made thereon and has become final. This means that a company may be enjoined from selling its products in interstate commerce for as long a time as the Commission sees fit to wait before filing a complaint and prosecuting the same to a final order.

We all know that the Federal Trade Commission can take years to carry its proceedings to a conclusion. The obtaining of a temporary injunction will achieve, so long as it is in force, all that the Commission may be seeking without the necessity of filing any complaint or trying out the issues that would be thereby raised. The provision thus presents a temptation to abuse if, through shortage of funds or pressure of other work, the Commission finds it difficult to complete its investigation or prepare its complaint.

It is to be assumed that if the Commission brings suit in a District Court before the filing of a complaint, it will be because it is not yet in a position to allege or prove the facts which will be contained in the complaint. If it were, there would be no need for bringing suit before the filing of the complaint. The injunction therefore will be sought on a basis of conjecture or incomplete facts on which the Commission itself would not feel that it could enter a cease and desist order.

Presumably the petition will be supported by affidavits, but no full-scale trial will be had and the defendant is subject to be placed under injunction for years without ever having an opportunity to know the full details of the charges against it, to face or cross-examine the witnesses or even to preserve all relevant testimony.

We feel that fairness demands that the Commission be required to obtain facts sufficient to support a complaint for a cease and desist order before being able to enjoin the defendant from selling his product in interstate commerce. An amendment to effectuate this objective is hereto attached as exhibit C.

CONCLUSION

We respectfully request this committee to give careful consideration to the above points and to make in this bill the amendments necessary to cause it to apply fairly to all fibers, to be informative and not misleading to the consumer as to fiber content, and to be enforceable by an injunction only after the Commission has filed a complaint.

Exhibit A

Revise section 14 to read as follows:

"SEC. 14. The provisions of any Act of the United States and the trade practice rules of the Federal Trade Commission, insofar as they relate to identification or advertising of fiber content in textile fiber products, be and hereby are repealed."

Revise section 2 (h) by omitting lines 8 and 9 on page 3.

Amend section 4 (b) by inserting the following new subsection after line 19 on page 8:

"(4) In the case of a textile fiber product composed of, or including, reprocessed or reused wool, the designation of fiber content shall state that such wool is 'reprocessed' or 'reused.'"

Exhibit B

Amend section 4 (b) (1), beginning on line 8 of page 7 to read as follows:

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as 'other fiber' or 'other fibers,' as the case may be. Except as above expressly prohibited, nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name."

Omit section 4 (b) (2), page 7, line 17, through page 8, line 13.

Change the numbering of subparagraphs 4 (b) (3) and (4) on page 8, lines 14 and 18, to "(2)" and "(3)."

Exhibit C

Amend the first part of section 8, page 13, line 20, through page 14, line 7, to read as follows:

"SEC. 8. Whenever the Commission, after having served a complaint under the Federal Trade Commission Act alleging a violation of this Act, has reason to believe—

"(a) That any person served with said complaint, is doing, or is about to do, an act which by sections 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

"(b) That it would be to the public interest to enjoin the doing of such act until the complaint served by the Commission is dismissed by the Commission or set aside by the court on review, or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, * * *

Mr. APSEY. We had hoped that the House committee would report a bill applying uniformly to all textile fibers and eliminate the confusion that I speak of, but we feel H. R. 469 as passed by the House goes only part way in this direction. Let's look at the situation as it now exists.

According to the latest statistics, 70 percent of all fibers are unregulated and not required to be identified unless blended with a fiber in the regulated group. These unregulated fibers comprise cotton, glass fibers, and the noncellulose synthetics of which there are at least 14 different varieties. These include such things as nylon, Dacron, Orlon, and the many new fibers which you see advertised day to day. Thirty percent of the fibers are regulated. These include rayon and acetate, which include cellulosic, as I said, silk, linen, and wool. Wool has strict requirements for percentage labeling. But it need not be identified in advertising, as the chairman just brought out. Nor need the fibers be mentioned in order of predominance by weight.

As to rayon, acetate, silk, and linen there are trade practice rules of the Federal Trade Commission which require each fiber to be named in order of predominance by weight, both on labels and also in advertising.

On the other hand it is not necessary to give the percentage of these fibers which are present except under some circumstances as to those which constitute 5 percent or less by weight, and with respect to linen when failure to do so is likely to mislead.

I want to digress for a moment to correct a statement which was made, I am sure, inadvertently by Mr. Young when he testified yesterday. I understood him to say that there is no present requirement for disclosure of the presence of rayon in the blend with cotton. This is not correct, since the Federal Trade Commission rules apply—

ing to rayon, acetate, silk, and linen all provide that as to any blends in which these fibers occur, all fibers present in excess of 5 percent must be named in order of predominance by weight.

So, if you had a blend with any of these fibers with cotton, you have to name all the fibers, including cotton.

The Wool Act contains a similar provision as to blends with wool, except that here the percentage of each fiber must also be given. It is only as to blends of cotton with the noncellulosic synthetics that there is no requirement for fiber identification.

While H. R. 469 will bring these noncellulosic synthetics under the labeling requirements, it will not eliminate the confusion resulting from the varying trade practice rules which apply to rayon, acetate, silk, and linen, and the different rules for wool under the Wool Act.

A few examples I want to give you of the confusion that will still exist if this bill is passed. As the chairman has brought out, fabrics containing wool will have to be labeled, but they won't have to be advertised. They will have to give the percentage of each fiber present. All other fabrics, not only must the percentage be given but each constituent must be named in order of predominance by weight. This is not true as to wool. But as to other fibers this must be done both in labels and in advertising.

As to rayon and acetate, wherever weave terms are employed—by these I mean such terms as taffeta, chiffon, crepe, and the like—the fiber content must be set out with equal prominence and in close conjunction with the weave term which is a strict requirement in advertising. If a trademark is used the fiber content must be conspicuously set forth in close conjunction with the trademark.

In linen, for example, no article may be labeled or advertised as a linen product if it doesn't contain at least 50 percent of pure linen, and the term "part linen" cannot be used if the article doesn't contain linen in substantial proportion.

There are additional trade practice rules relating to fiber identification in the following industries: The hosiery industry, hand-knitting yarn industry, handkerchief fabrics industry, the upholstery and drapery fabrics industry, and umbrella industry. In other words, there are eight different sets of rules of the Federal Trade Commission which are not affected by the bill insofar as they are not directly in conflict with it.

We believe that this bill should be amended to repeal the trade practice rules which relate to fiber identification, and also to repeal the Wool Act. I want to say right away, here, that in doing this there is no necessity whatsoever to repeal these provisions which the previous speaker mentioned with respect to reused and reprocessed wool. There can be placed a paragraph in this bill containing that requirement for reprocessed and reused wool just as it is in the Wool Act, so as to preserve that and still bring wool under the uniform provisions of this act which will subject it to advertising as well as labeling requirements.

I have prepared as an appendix exhibit A to the written statement, proposed amendments which we think would accomplish these objectives.

The second point which I want to speak about relates to the matter of percentage labeling as distinguished from the mere naming of the fibers. As I stated earlier, the Federal Trade Commission rules have been satisfied with naming the fibers in order of predominance by weight, without requiring the exact percentage to be given. We believe that this is preferable because the percentage of each fiber present is not what the consumer needs to know, and it can be very misleading. I want to give you some examples of that.

Nylon is a fiber which imparts very great strength and abrasion resistance to fabric when it is present in relatively small percentages. We have tests which have shown that a nylon and cotton blend containing only 16 percent nylon and 84 percent cotton results in the abrasion resistance being increased 260 percent over what it is in 100-percent cotton fabric of the same weave.

We submit that if you name the percentage of nylon in that fabric as being only 16 percent, it will actually mislead the consumer into thinking that the nylon, because it is so small a percentage, has probably little effect on the fabrics, whereas it has this tremendous effect of increasing the abrasion resistance 260 percent.

Celanese is a product, to give another example, which is an unusually strong type of rayon fiber and sells under the trademark Fortisan. This is so strong it can be used in curtains and drapes in very fine deniers—very fine threads—to make a sheer fabric which is beautiful but also has the strength required of curtain fabrics.

If Fortisan is used in the warp or vertical strands, the filling or horizontal strands can be made of much heavier yarns to obtain desired effects. As an example, ask Dr. Coughlin to show you a typical drapery fabric with Fortisan warp and acetate filling. The Fortisan constitutes only 9 percent by weight, but it imparts the unique qualities of strength and sheerness to this fabric.

The CHAIRMAN. Doctor, tell the record about it and we will all hear it.

Mr. COUGHLIN. Fortisan warp constitutes only 9 percent by weight of the fabric, yet the entire warp or lengthwise yarns is made up of this one fiber. Its essential duty, therefore, is taken care of by having only 9 percent of the fiber present. The filling yarns, the weaker yarns—in this case this is Fortisan warp and cellulose acetate filling—the cellulose acetate constitutes 91 percent of the fabric, but the fabric owes its beauty, its strength, and performance characteristics as much to the 9 percent present as to the 91 percent of the other.

Here is another where we have 16 percent of Fortisan rayon in the warp, and acetate also in filling. It is evident from these two examples out of many that a very small proportion of one fiber can contribute very important properties to fabric while constituting but a very small proportion by weight of the total weight of fabric.

The CHAIRMAN. Both bills and the Wool Act eliminate less than 5 percent or less. Is it possible with new developments that it might occur in a fabric with even less than 5 percent?

Mr. COUGHLIN. I doubt if it will get down that low.

The CHAIRMAN. It could not—

Mr. COUGHLIN. It could not in my estimation—

The CHAIRMAN. Within the foreseeable future?

Mr. COUGHLIN. That is true.

The CHAIRMAN. It could be as low as 10?

Mr. COUGHLIN. It is already in one of these as low as 9, and it is still a very important factor in the performance.

I might mention that Fortisan—rayon—is not only strong yarn that can be used under the same conditions but there are other fabrics where construction is very similar to that used today.

Mr. APSEY. Dacron and several other new fibers have the same strong abrasion-resistant qualities which can be imparted by minor percentages to the whole fabric.

The CHAIRMAN. What is Dacron?

Mr. APSEY. Is is a polyester fiber, one of the noncellulosic manmade fibers, one of the new fibers produced by the Du Pont Co.

The CHAIRMAN. Is there any cotton or wool in it?

Mr. APSEY. It can be used as a fiber to blend with cotton and wool and other fibers just as the Fortisan is used to blend with acetate in the exhibit we just showed you.

The CHAIRMAN. You see a great deal of advertisements of Dacron in summer wear, in clothing. That might contain some cotton and wool, or a mixture.

Mr. APSEY. It usually does, I think.

The CHAIRMAN. In a suit, for instance?

Mr. APSEY. Yes.

The CHAIRMAN. We are getting a liberal education on how to buy suits.

Mr. COUGHLIN. I might mention, Senator, that I saw a number of people looking for the label in their suits. The Wool Products Labeling Act does not require that the label be sewn in. But at the point of sale there was a little hang tag which indicates the wool. Most of the reprocessed stuff goes into children's clothing.

Mr. APSEY. The factors which determine the value and richness of a fabric are not primarily the percentages of the different fibers employed, but rather the weave construction, the dyeing, and the finishing employed. Large percentages of rayon or acetate, for example, are used in women's dresses at all price levels, from the most expensive Paris creations to the cheapest housedresses sold in bargain basements.

I would like to show you a few examples of what we mean here. Dr. Coughlin will show two very different rayon fabrics. One sells at 9 cents a yard and the other at \$2.77 a yard. I ask, Does it help the housewife to know that both of these fabrics are 100 percent rayon?

These fabrics were purchased Friday at random in stores in New York City. These are the up-to-date prices.

Mr. COUGHLIN. Both of these are 100 percent rayon.

Mr. APSEY. Next we will show you an example of the same thing in cotton. We have two cotton fabrics, one of which sells at 25 cents a yard and the other at \$1.29 a yard. And they are both 100 percent cotton, but the percentage has little meaning.

The CHAIRMAN. What is the reason for the great variance in price?

Mr. APSEY. It is the weave and the finish, the construction.

We will show one more example, this time in nylon. One sample sells at 94 cents a yard and the other at \$2.34 a yard, and they are both 100 percent nylon.

The CHAIRMAN. Is the reason for the difference in price the same there?

Mr. APSEY. The same. The difference is the weave construction, finish and dyeing.

Mr. COUGHLIN. It costs less to weave this.

The CHAIRMAN. This would cost more to produce than this?

Mr. APSEY. Yes, sir.

To point out to the consumer that such fabrics are 100 percent rayon, nylon, or cotton has a further unfortunate effect because it supports the false impression that a material consisting of 100 percent of any fiber is somehow superior to a blended fabric. In fact, the opposite is very often the case. By certain blends we get certain qualities that cannot be obtained from 100 percent of any one fiber.

We also would ask you to consider the plight of the advertiser who has to try to write an appealing advertisement in a minimum of words and is compelled to consume valuable copy space with meaningless and boring statistics concerning the percentage by weight of each fiber present say, in a chic Paris creation. The advertiser throws up his hands in horror at this, and I think maybe the drafters of the Senate bill 1616 were aware of this fact when they exempted advertising from the percentage labeling requirement.

I want to go on record here that we would very much favor the Senate version of section 4 (c) on page 9, which does not require the percentage of fibers to be specified in advertisements.

The CHAIRMAN. That begins on page 8.

Mr. APSEY. It begins on page 8, and goes to page 9.

The CHAIRMAN. And the last line is:

* * * except that the percentage of fiber present in the textile fiber product need not be stated.

Mr. APSEY. That is right.

Your committee has heard and probably will hear a good deal more about the unscrupulous advertiser who overemphasizes a fiber present only in insignificant quantities. Percentage labeling is not necessary to protect the public against this abuse. It is already well taken care of in the bill in both the Senate and House versions by section 4 (b) (2), which absolutely forbids the naming, except as other fibers, of any fiber constituting 5 percent or less of the fabric. We feel that that point is well taken care of already in the bill and that percentage labeling of all other fibers in larger proportion is not necessary to accomplish this result.

The CHAIRMAN. I am assuming this, but I assume that the reason that in these bills we use the percentage formula was that that was somewhat historic in the Wool Labeling Act?

Mr. APSEY. That is correct, but the opposite is historic in the trade practice rules of the Federal Trade Commission.

The CHAIRMAN. Probably using part of the Wool Labeling Act which established the percentage formula?

Mr. APSEY. Yes. I have no doubt that is the history of it, Mr. Chairman. Yet I don't think it helps the consumer a bit. It can be misleading. Of course when the Wool Act was enacted these new fibers, like Dacron and so forth, and Fortisan, were not known, and they have developed the capacity by a very small percentage to give important qualities to a fabric. I think that changes the situation over what it was when the Wool Act was enacted.

Senator LAUSCHE. Mr. Chairman, before we get too far away from the subject of these varying prices—you gave us the disparity in the prices between noncompatible goods. Let's assume that you had a cotton of a specific weave and you had a synthetic of a specific weave. Can you give us the comparative prices that would prevail? That is, as nearly as you can get the same finished product, but one of cotton and the other of nylon.

Mr. COUGHLIN. The two lowest priced synthetic or manmade fibers are rayon and acetate. They also are the greatest in volume use. To make up comparable fabrics, say a twill out of all acetate or all rayon versus the same construction in cotton, assuming they are all made, all woven to the same construction, there would be very, very little differential in price in the final fabric. However, with the more expensive fibers, polyesters, and the like, Dacron, nylon, and other fibers, or Orlon, for instance, if you had it 100 percent, the chances are that the price would be very much higher because the cost of the basic fiber in Orlon, Dacron, and nylon, is much higher than it is for cotton.

The CHAIRMAN. When you say nylon, such as commonly used nylon stockings, is that all nylon?

Mr. COUGHLIN. That is 100 percent nylon.

The CHAIRMAN. That is why, for a similar piece of goods in some other type of material, that is why it is higher?

Mr. COUGHLIN. That is true because the basic price of the yarn to begin with is higher.

The CHAIRMAN. Orlon is a trade name?

Mr. COUGHLIN. It is.

The CHAIRMAN. Nylon is not a trade name?

Mr. COUGHLIN. It was, but it is now a generic name.

The CHAIRMAN. That is what I mean. Several brands use nylon for stockings?

Mr. COUGHLIN. Yes. And Fortisan and Dacron and Orlon are registered brand names.

Senator LAUSCHE. Is there any dispute concerning the answer you gave to my question? If we called in some other expert might he give a different answer? Or are we to accept yours as gospel?

Mr. COUGHLIN. There are people here in the room who can answer that.

Senator LAUSCHE. I don't mean to answer it now.

Mr. APSEY. I think Dr. Coughlin means to give you the truth as he understands it, but there are always differences of opinion.

Senator LAUSCHE. I understand that. I am not implying anything.

Mr. APSEY. Senator Lausche, I want to make one thing clear. In wishing to have percentage labeling removed we do not wish to have fiber identification removed. We are in favor of naming the fibers in order of predominance. So that if you had the same construction, let's say, as you said in your question, of cotton and nylon, it would be stated in the label as we would like to see the bill, it is cotton or nylon. But we wouldn't wish it to say the percentage. We think that if there is a blend, it would be misleading to say the percentage. But if the fibers are named in order of predominance, the consumer gets the information that she needs.

The CHAIRMAN. In other words, as I understand you, you would say that this cloth is part cotton, part nylon, or part whatever it is?

Mr. APSEY. Yes. It contains, if it is three, cotton, rayon, and Dacron, and it would mean it had more cotton, if you named the cotton first. But it wouldn't get down to exact percentages which could be misleading as we see it.

We have attached as exhibit B to our written statement some proposed amendments to the bill which we believe would accomplish the points that we have made.

I have just one more point, and this relates to procedure.

Our last objection to the bill is to the provisions of section 8, which permit the Commission to go into court for a temporary injunction even before it has filed a complaint setting forth the acts which it charges constitute a violation of law. By this means it can enjoin a company from selling its products in interstate commerce for as long a time as the Commission sees fit to wait before filing a complaint and prosecuting it to a final order.

As long as the injunction is in force it will achieve all that the Commission may be seeking, without the necessity of spending time, effort and money necessary to complete its investigation and file its complaint. We think this is a temptation to abuse. We don't say that it would be abused but we don't think it is good legislation to put it into law.

Presumably an injunction before filing a complaint will be sought only in those cases where the Commission is not yet in a position to allege or prove all the facts necessary to support a complaint. Otherwise, it would file a complaint.

Supposedly, they will support the complaint by affidavits no doubt, but there can be no full-scale trial on a hearing for a temporary injunction and the company might be placed under injunction for years without ever having an opportunity to know the full details of the charges against it, or to cross-examine the witnesses against it, or even to preserve relevant testimony. We feel that the Commission should be required to serve a complaint before being able to enjoin the respondent from selling its product in interstate commerce. This is no more than is required in ordinary equity suits before a temporary injunction can issue, and we have suggested an amendment to accomplish this result as exhibit C to our written statement.

Unless there are some questions, Mr. Chairman, that is all that I have to say except to thank the committee for hearing us and putting us on early this morning. We appreciate it very much.

The CHAIRMAN. I want to ask this, to get it clear: Your suggestion as to labeling is—rather than percentage, because of the new technological developments in the use of fibers which you point out in some cases by the use of a small amount can mean more than a great amount in the ultimate value of the textile—that there should be a requirement that would state what was in the garment or the textile in the order of the predominance?

Mr. APSEY. That is correct, and that is what the Federal Trade Commission has found sufficient with respect to rayon, acetate, silk, and linen in the rules that are enforced today.

The CHAIRMAN. And you think it would be natural for a consumer, if he looked at the tag or label which said "This cloth contains wool, dacron, linen, and silk" he would naturally think that wool would

be the predominant ingredient and that as you got to the end that would be the least predominant? You think that is natural with the consumer?

Mr. APSEY. I think so. The first one named makes the most impression, and of course if that became a general rule and was followed generally it would soon become known that that was the proper interpretation of it.

The CHAIRMAN. Rather than say X percentage wool, X percentage this, or that?

Mr. APSEY. That is right.

The CHAIRMAN. Your testimony is that particularly in this new field of all these different types of fibers, both natural and synthetic, that it might tend to be more misleading in some cases than it would be clarifying?

Mr. APSEY. Plus the fact that it is very cumbersome and extremely difficult to use all these statistics in advertising a product. That is an important point, too.

The CHAIRMAN. Let's go back to the case I used. Do you think a fellow should say "Come down and buy our wool suits" and not tell you what kind they are?

Mr. APSEY. No; I don't. I think that is one reason why the Wool Act should be superseded, while preserving this provision about reprocessed and reused wool. I think wool should be exactly the same. I don't see why the consumer should not be protected in wool advertisements as well as in others. They can take the situation where wool is blended with some other product under this act. Which will prevail, the products of this legislation or the Wool Act as to advertising? We don't know. It is confusing. That confusion should be eliminated.

The CHAIRMAN. Because, in any event, a wool suit is not generally an all-wool suit?

Mr. COUGHLIN. As far as the outer shell is concerned it is not all wool.

The CHAIRMAN. How about linen?

Mr. COUGHLIN. You can make linen suits with some less.

The CHAIRMAN. That doesn't mean it is a better product, because it might be a better product because it is not completely all wool or all linen or all cotton.

Mr. COUGHLIN. That is very true.

Senator LAUSCHE. How many different acts do we have covering different types of material?

Mr. APSEY. If you are talking about acts rather than——

Senator LAUSCHE. You have the Wool Act.

Mr. APSEY. You have only the Wool Act unless you want to include fur, which is not a textile product. That is the only act. We have eight different sets of trade practice rules promulgated by the Federal Trade Commission which govern specific industries under the Wool Act.

Senator LAUSCHE. Is that in the Wool Act, or in addition to the Wool Act?

Mr. APSEY. In addition to the Wool Act.

Senator LAUSCHE. Then you have the act governing the sale of woolen garments and clothing?

Mr. APSEY. Yes.

Senator LAUSCHE. Then you have one general act which gives the Federal Trade Commission the authority to adopt rules and regulations governing different types of products.

Mr. APSEY. That is done under the Federal Trade Commission rules.

Senator LAUSCHE. What have they done with regard to cottons under that act?

Mr. APSEY. Nothing.

Senator LAUSCHE. Could something be done under it?

Mr. APSEY. Yes. But these rules are worked out by the Federal Trade Commission in collaboration with the industry, and they don't do it unless the industry is willing to go along. If there are abuses in the industry, the Federal Trade Commission will call a hearing or a conference of members of the industry to discuss the desirability of agreeing on trade practice rules, and after the members of the industry meet and work it out with the Commission these rules will be promulgated. I assume, without knowing, that there was never any agreement on rules for the cotton industry.

Senator LAUSCHE. When was the Wool Act passed?

The CHAIRMAN. 1940.

Senator LAUSCHE. Does that predate the Federal Trade Commission Act?

The CHAIRMAN. No.

Senator LAUSCHE. So that the general fair trade practices was passed originally. Following that came the Wool Act, and now we have this proposed textile act.

The CHAIRMAN. And in some rare cases the general provisions of the Pure Food and Drug Act spill over.

Senator LAUSCHE. We probably will be taking up separate acts on separate items.

Mr. APSEY. If you had a fiber with therapeutical qualities I assume the Food and Drug Act would apply.

The CHAIRMAN. There is a fiber advertised for that.

Mr. APSEY. That is correct.

Senator PAYNE. Mr. Chairman, did I understand there were eight specific items that were covered under the Trade Commission rules.

Mr. APSEY. Yes. There are eight different industries covered by Federal Trade Commission rules relating to fiber identification.

Senator PAYNE. Do you have those?

Mr. APSEY. Yes; I have them.

Senator PAYNE. Would you put them in the record?

Mr. APSEY. Yes; I will: The rayon and acetate rules, silk rules, linen, handkerchief fabrics, hosiery, hand-knitting yarn, upholstery and drapery fabrics, and umbrellas. Have I named eight?

Senator PAYNE. Yes. Thank you.

Senator THURMOND (presiding). Thank you very much, Mr. Apsey, and Mr. Coughlin.

Mr. W. C. Daniel, of Dan River Mills.

A VOICE. Mr. Chairman, Mr. Daniel was asked to come back because of a pressure of work.

Senator LAUSCHE. I think the chairman said that he would call Mr. Sloan as the next witness.

Senator THURMOND. Mr. Sloan, will you come forward, please. This is Mr. O. T. Sloan.

STATEMENT OF O. T. SLOAN, ON BEHALF OF THE VARIETY STORES ASSOCIATION, ACCOMPANIED BY MR. SCHINDEL

Mr. SCHINDEL. Mr. Chairman and gentlemen, as the executive director of the Variety Stores Association, may I introduce our witness, O. T. Sloan, of Sanford, N. C., and may I ask permission to sit at the witness table with him?

Mr. SLOAN. Mr. Chairman and members of the committee, my name is O. T. Sloan, and I am president of Macks 5-10-25-cent stores, headquartered in Sanford, N. C. I am testifying for the Variety Stores Association which has 735 member companies operating some 8,000 stores in all parts of the country.

The best way for me to explain the opposition of variety store retailers to H. R. 469 and S. 1616, the textile fiber products identification bill now under consideration, is to tell you how this would affect my company which has 32 stores in small communities in North Carolina, South Carolina, Georgia, and Virginia. These stores average about \$100,000 in annual volume. They are nice, small stores serving our customers well enough so that our company grows as our section of the country grows. Our stores are typical of hundreds and hundreds of other variety stores. Some are smaller, some are larger, but the hundred-thousand-dollar store is legion.

We sell a substantial quantity of textile products, probably a bit over \$1 million worth at retail in a year. Most of this is lower or popular price merchandise—clothing and accessories and some textile home furnishings.

As you gentleman know, the merchandise in our variety stores is out on top of the counter so the customer can see it, pick it up, examine it and make sure it is what she wants. Many of the textile products we sell are not individually packaged. They are sold from bins, counter fixtures, shelves, or hangers. The great volume of this merchandise is priced below \$1, though some higher-priced items, say up to \$5 are being sold.

I have been in the retail business all my life. I have been a store manager and I have bought merchandise. One of my present duties is to act as the general merchandise manager of my company, so I think it is fair to state that I know more about merchandise, about general merchandising, than most people do—more than the average customer. I don't see how this textile labeling bill will help me or my company do a better job of buying good, reliable merchandise for our customers.

We buy from reputable and established sources. But more important than that, like all other good retailers we stand behind everything we sell. If it doesn't wear or wash or if it fades or is unsatisfactory in any way, we make good. Having a label on every textile product is not going to tell our customers whether it will wash or should be dry-cleaned, whether it needs a hot iron or one barely warm. This is the information the public wants and it is what we try to tell them but a label as would be required in this bill won't help. It won't tell me as a retailer or it won't tell my customers anything that will

help us make better buys. I am a merchant, not a chemist or a scientist. Frankly, I don't understand the value of technical fiber information and I know enough about my customers to assure you that they won't understand it either and what's more they won't be interested. So this is my first point, mandatory content labeling of all textile products of the kind sold in our stores is not needed.

Next, I cannot help but be concerned about the practical application of the proposed textile labeling bill. Please bear in mind that I am talking about inexpensive, nonpackaged merchandise made of textiles. How are we going to see that the label showing the fiber content or any other label or price ticket stays on the merchandise?

I brought some things with me to illustrate what I mean. I would like to show you how difficult it would be for a merchant to see that every item is properly labeled or tagged. First, I have a man's handkerchief which we sell for 10 cents. The hem of this handkerchief doesn't lend itself to a sewed-in label. About the only way this could possibly be labeled is with a little gummed sticker. It is awfully hard to keep it on. These handkerchiefs are piled high on the counters and bins, and these little stickers come off. And the responsibility in this bill would be with us to keep that sticker there.

Next is a lady's handkerchief which certainly fits into the same category. There again we just don't see whether the woman or man buying these handkerchiefs, whether they care what the fiber content of it is. How we are going to keep it on there we don't know.

Here is a dish towel which we sell for 10 cents, also. We sell many, many thousands of dozens of them. There again it would be awfully difficult to do that on these 10-cent items. You gentlemen might have thought there were no 10-cent items in 10-cent stores anymore. I think I have some proof that there are a few left.

Here is a pair of small child's pants, underpants, that we sell great quantities of. This sells for 29 cents on our counters. There again we think it would be very difficult to keep a label on that garment.

Senator PAYNE. Could I ask, Mr. Chairman, if I might, what are the labels that are on there?

Mr. SLOAN. There aren't any.

Mr. SCHINDEL. There is a gummed ticket of the price on the man's handkerchief which is subject to counter wear. It comes off easily. It is just this little thing. There is a gummed ticket on this for 10 cents, but again, with counter wear, it comes off. And there is a pin ticket here, which on lighter merchandise would tear, and, in any case, is not permanent enough to withstand just the normal handling by customers.

Senator PAYNE. What I was getting at, you do tag or put something on each item that is on sale?

Mr. SCHINDEL. We do, sir. The point is that we can't make them stay on, no matter what we try on this inexpensive merchandise.

Mr. SLOAN. These are tags we put there ourselves after the merchandise comes into the store.

The proposed law requires that every piece of textile merchandise sold in our stores be labeled. The House-passed bill requires that the box be labeled, but that doesn't help when the merchandise is sold loose. The great volume of inexpensive merchandise that I am concerned about gets counter wear. Customers handle it. The tag,

ticket, or label which will stay on the merchandise, yet be easy for the customer to remove, has not yet been designed. It doesn't exist.

How in the world can we live up to the requirements of this proposed law?

I was in favor of flammable fabrics legislation because it was designed to protect the public from danger. I am perfectly willing to do my part to help out in a good cause, even when it costs my company money. But I ask you please not to enact a law which thousands of stores won't possible be able to keep from breaking.

Perhaps there are some higher priced items of merchandise which should be labeled to show fiber content. As a merchant I don't think so, but my personal experience is with popular-prices lines. Let me make a personal suggestion. If you gentlemen think that textile labeling is in the public interest, write a specific exemption into the law for all articles of merchandise priced below \$5 at retail.

I know we have heard considerable testimony on suits. I can see where a man's suit or a lady's coat or expensive dress, perhaps, where the fiber content would be of some help. But I don't see, gentlemen, where the customers who buy the type of items that we have here, these bulk low-priced, inexpensive items, I don't see where that is important.

Other objections to any textile labeling bill have or will undoubtedly be raised. Some folks have talked to us about amending the proposed bill. As a working retailer in a modest-sized company which has comfortably small store units, I don't see the need for textile labeling and I earnestly ask that you do not enact a law with which my stores and so many others cannot conform.

I hope you will reject or amend H. R. 469 or S. 1616.

On my own behalf and for the Variety Stores Association for which I have appeared in opposition to the Textile Labeling bill, thank you for giving me this opportunity to be heard. And thank you for hearing me early this morning.

Senator THURMOND. It is a pleasure to have had you here.

Senator LAUSCHE, do you have any questions?

Senator LAUSCHE. I have none.

Senator THURMOND. Senator Payne?

Senator PAYNE. I have none.

Senator LAUSCHE. If there are any other witnesses to testify in the affirmative on this bill, I would like to hear their views to this proposal that articles of a lesser price than \$5 be exempted.

The CHAIRMAN (presiding). We will try to proceed as fast as possible.

Mr. Sloan, I apologize for not being here when you testified, but I couldn't help it.

Mr. Warnke, representing the Soft Fibers Manufacturers.

STATEMENT OF PAUL WARNKE, OF COVINGTON & BURLING, WASHINGTON, D. C., ON BEHALF OF SOFT FIBRE MANUFACTURERS' INSTITUTE

Mr. WARNKE. Thank you, Senator. My name is Paul Warnke. I am with the law firm of Covington and Burling, with offices at 701 Union Trust Building, in Washington. We are counsel for the Soft Fiber Manufacturers' Institute.

The membership of the Soft Fiber Manufacturers' Institute supports H. R. 469 or S. 1616, but we feel that it should be amended in a minor respect.

We have submitted a written statement of our views which I ask to be included in the record.

The CHAIRMAN. It will be included in the record in full.

(The statement referred to is as follows:

STATEMENT OF SOFT FIBRE MANUFACTURERS' INSTITUTE ON H. R. 469

This statement is made on behalf of the Soft Fibre Manufacturers' Institute, a trade association of the spinners of jute, flax, and hemp yarn in the United States. The institute has offices located at 9 Rockefeller Plaza in New York City.

The membership of the Soft Fibre Manufacturers' Institute consists of 13 companies, accounting for 95 percent of the domestic jute yarn production. Plants of institute members are located in 13 States throughout the United States.

The soft-fiber manufacturers have a direct and important interest in the provisions of H. R. 469. We support fully the basic purposes of the bill. We believe that it is most desirable that American consumers have full information about the content of textile products where appearance, durability, and serviceability is dependent upon the nature of the fiber or fibers used. In our opinion, rug and carpet backing—which is the most important end use for jute yarn—is just such a product.

We therefore urge that rug backing should be covered by the disclosure requirements of H. R. 469. The backing of a rug is basic to its structure. The yarn used in making it becomes an integral part of the rug itself. The rug may be made either by weaving the surface material together with the backing fiber or by tufting it to the backing. In either case, the type of fiber used for the rug backing significantly determines its wearing qualities, its appearance, and its feel, known in the trade as "hand." In addition, the backing fiber controls the ability of the rug or carpet to withstand dry cleaning or laundering.

The Soft Fibre Manufacturers' Institute is, therefore, unable to understand why, in section 12 (a) (6) of H. R. 469, backings of floor coverings are excluded from the requirements of the act. Indeed, we feel that this exemption may be inadvertent or may reflect a confusion in terminology and that the product intended to be exempt is rug paddings or rug cushions rather than backings.

Nothing that we have been able to find in the House hearings on H. R. 469 and the similar bills considered by the House last spring and summer reveals any basis for the exclusion of backings for soft surface floor coverings. According to Congressman Smith, who introduced H. R. 469, the exemptions in section 12 are intended for either items "which have an inconsequential textile fiber content" or those "where the disclosure of fiber content is not necessary for the protection of the consumer" (House hearings, p. 26). As explained by the National Cotton Council, the exemptions are intended to avoid requiring "identification of parts of products not important to consumer usefulness" (House hearings, p. 43). Backings of soft surface floor coverings certainly do not meet these descriptions. Their fiber content is of the utmost importance to the consumer.

A soft surface floor covering is a total entity whose durability, appearance, and performance is equally dependent upon the materials and construction of the face and the backing. Traditionally, carpet and rug backings have been made of jute fiber. Jute yarn is uniquely desirable for this purpose because of its tensile strength, its stretch resistance, its softness and flexibility, its resistance to wetting, and its natural fibrous characteristics. When woven or tufted together with whatever material is used for the surface of a rug or carpet, it provides a composite whole that assures the consumer of years of useful and decorative life.

The jute-spinning industry, represented by the Soft Fibre Manufacturers' Institute, produces annually 53,700,000 pounds of jute yarn for use in carpet and rug backing, in a dollar value of \$16 million. Soft surface floor covering

backing is the most important end use for our yarn and utilizes almost two-thirds of our total production of jute yarn and rove.

Within recent years, a growing amount of floor covering has been manufactured with backings that contain substitutes for jute yarn. The common replacement is paper yarn. This substitution for the traditional jute yarn significantly affects the characteristics of the floor covering of which the backing is a part.

The Soft Fibre Manufacturers' Institute believes that, under the basic philosophy of this bill, the consumer has a right to know when paper has been substituted for jute yarn in rug backing. Since this may affect the strength, durability, wearing qualities, and lasting appearance of the item, the interests of the consumer demand that this substitution be disclosed. Furthermore, this disclosure is necessary to protect the competitive position of those producers who use jute in making their rugs instead of the cheaper paper yarn.

Paper yarn for rug and carpet backing was a wartime substitute. During World War II, Federal regulations prohibited the use of jute for nonessentials such as rugs and reserved it for products vital to the war effort. Since the war, although the jute formerly directed to essential war purposes has again been made available for rug and carpet manufacture, some carpet weavers and tufters have continued to substitute paper yarn for jute in much of their production. From 1950 to 1957, the percentage of paper yarn supplied to United States carpet weavers for backing increased from about 13 percent of the total to almost 30 percent.

The use of paper for rug and carpet backing is thus increasing. The soft fiber manufacturers believe that American consumers are entitled to know whether the rugs they buy are woven with paper yarn backing in place of the jute yarn they have been accustomed to obtain.

There can be no question of the fact that paper yarn is not the equivalent of jute yarn and that it is not therefore a matter of indifference to the consumer whether the rug backing is made of paper or jute. Tests by the members of our institute reveal that the tensile strength of jute is about twice as great as that of paper yarn. As indicated in schedule A, the comparative breaking strength with a yarn size of 14 pounds per spindle of 14,400 yards is 18 to 20 pounds in the case of jute and only 8 to 10 pounds in the case of paper. Considering the stresses and strains to which carpets are inevitably subjected, this difference in tensile strength is in itself adequate reason why the consumer should be let know which of these two fiber materials has been used in the rugs offered for sale.

Other differences are almost equally significant. The greater strength of jute yarn means that it will exhibit little elongation under stress. Therefore carpeting made with a jute yarn backing can be cut, fitted, and scamed with greater precision and, in use, will perform far more satisfactorily. It will remain flat on the floor with a minimum of buckling, rippling, and distortion. It will also cut more cleanly as well as hold stitches and grip seams in superior fashion.

As the same time, a rug backing yarn made of jute is softer and far more flexible than one made of paper. This gives the carpet woven or tufted with jute yarn as the backing material a better quality, with fuller body and a better "hand" than one woven with paper backing. It insures better fit of carpeting on stairs or wall-to-wall. The strength and flexibility of jute yarn and its naturally fibrous texture result in better consolidation of the backing with the fiber used for the facing and a more cohesive finished product than is true when paper yarn is used.

In still another respect, the fact that a rug is woven or tufted with paper yarn rather than jute as the backing material is of great importance to the consumer. In his opening statement at the House committee hearings, Representative Smith pointed out that "still another group, the service industries, which include the laundries and dry cleaners, strongly favor fiber identification, because only by disclosure of fiber content can they be sure how best to launder, to clean, and to press textiles of various types." (House hearings, p. 24.)

A letter from the New York Neighborhood Cleaners Association to the House committee similarly emphasized the importance to the consumer of labeling that would enable cleaners to determine how best to clean a textile item without harming it. Jute, which is a bast fiber produced by a retting or steeping process, has great wet strength and will withstand water and cleaning solvents without shrinking or stretching out of shape. Paper, as the committee knows, has no

such natural characteristics and a rug backing made with paper yarn, unless special care is used, may be injuriously affected by laundering or dry cleaning with a resulting deterioration or destruction of the rug of which it is a component part.

The necessity for label disclosure of fiber content is magnified when the reverse side of the rug is given a latex coating by the manufacturer. Then it is difficult to tell jute from paper by simple inspection. The rug may therefore be purchased by the consumer and washed or dry cleaned by the professional cleaner in ignorance of the fact that it contains paper yarn.

All these considerations show why rug and carpet backing should be covered by H. R. 469. On the other hand, the soft-fiber manufacturers see no countervailing considerations that would justify the exemption of backings from the fiber disclosure requirements of H. R. 469. The bill, the House hearings, and the report of the House committee indicate that carpets and rugs are definitely covered. Every carpet must have a label identifying its fiber content. At the hearings, Congressman Smith, who introduced the bill, explained that the carpet industry considered it "desirable to be covered under labeling legislation." (House hearings, p. 27.) The representatives of the National Cotton Council of America also emphasized that carpet manufacturers want "mandatory labeling so their customers will know what they are getting." (House hearings, p. 42.) Because under the bill carpets will all carry a label indicating of what fiber the rug facings are composed, elimination of the exemption for backings would not even require an additional label. Such an amendment would merely mean that the consumer would know both that the facing contains wool, cotton, or some man-made fiber, and that the other and equally important part of the rug, the backing, is made of jute, of paper yarn, or of cotton.

But under H. R. 469 in its present form, only when some synthetic or substitute fiber is used in the rug facing must this be revealed by the label. Because of the exemption in section 12 (a) (6), the carpet manufacturer who uses paper yarn in his rug backing may do so without informing the consumer. The substitution of paper for the natural, traditionally employed, and expected backing fiber is of equal importance to the consumer.

The fact that the substitution of paper for jute in rug backings is not a matter of indifference to consumers is made evident by the somewhat fanciful names that are typically used to describe paper yarn. It is often called something like kraft fiber cord. Where such materials are used in rug facings or in other textile products, H. R. 469 will require that their generic names be shown on the label. This is provided for in section 4 (b) (1). Under section 7 (c), the Federal Trade Commission is authorized to establish the generic names for manufactured fibers and we have no doubt that the Commission will see to it that when paper yarn is used in textile products it is identified as such, so that the consumer can exercise an intelligent choice. But every consideration that dictates disclosure of the use of paper yarn in other textile products logically compels the same disclosure in the case of backings for soft surface floor coverings.

For these reasons the jute spinners of the Soft Fibre Manufacturers' Institute feel that Congress should not exclude rug and carpet backings from the labeling requirements of the bill. We venture to suggest further that what should properly be exempted under section 12 (a) (6) is not backings, which are part of the rug itself, but rug paddings, which are designed to be placed under rugs and carpets and which therefore receive no direct wear.

The members of our institute sell jute waste to producers of rug padding. In addition, one of the companies in the institute also makes paddings for rugs. Consideration of the difference between these products makes it clear that, while the fiber content of the entire rug is a matter of genuine consumer interest, that of the padding is not.

There are, as the committee knows, many types of rug and carpet paddings. Some are made of rubber. Most, however, are felted masses of hair and a variety of fibers, which are given waffled surfaces and are often coated with a latex material to prevent skidding.

Rug paddings receive no direct wear and thus need not be constructed to withstand the friction to which carpets and rugs themselves are subjected. A rug pad provides bulk and bounce, it cushions the impact and increases the wearing qualities of the rug. Rug paddings thus serve a function analogous to that of upholstery stuffing, exempted under 12 (a) (1), and the filling or padding incorporated in a product "primarily for structural purposes and not

for warmth" as exempted by 12 (a) (4). The nature and relative amounts of the fibers used in the rug padding is a matter of complete indifference to the consumer. Even appearance is not a real consideration, since the padding is destined to serve unseen.

Necessarily, if manufacturers of rug padding were to be required to label their products to show the exact percentages of the various fibers used, sales of card waste from jute spinning would be curtailed. In the manufacture of rug padding, the proportions of the various types of fibers used vary greatly with market conditions. At certain times, for example, there may be an abundance of jute card waste. At such times, rug pads may consist very largely of jute fiber. When this type of waste is in short supply, higher percentages of other types of waste fibers are employed. The interests of the consumer, we believe, are best served by leaving the rug-padding manufacturer free to utilize materials that permit the product to be manufactured at the lowest cost. Under the competitive conditions that prevail in that industry, this will insure the lowest prices to the consumer.

As a practical matter, compliance with the detailed provisions of H. R. 469 in the case of rug padding would be wholly impracticable. It is worth noting that section 4 (b) (2) of the act recognizes that a deviation from the percentages stated on the label is not to be considered a misbranding when it results from unavoidable variations in manufacture despite the exercise of due care. The nature of rug paddings and the conditions of their manufacture mean that variations must be the rule rather than the exception.

We therefore urge that H. R. 469 be amended in the interests of full consumer information and intelligent buying judgment, to provide that rug backing, as part of the rug, is to be subject to the same labeling requirements as the rug facing. At the same time, the inclusion of rug paddings, which are not part of the rug, which receive no direct wear and which are neither laundered nor dry cleaned, is not necessary in the interests of consumers and any attempt to apply the bill's requirements to this kind of product would be wholly impracticable.

We suggest that both of these desirable changes can be readily achieved by a simple amendment of section 12 (a) (6). We propose that this section be changed to read:

"(6) paddings or cushions for use under flood coverings;"

SCHEDULE A.—TENSILE STRENGTH OF JUTE AND PAPER BACKING YARNS

Tensile strength figures, believed to be typical for carpet backing yarns, have been obtained by regular testing methods as follows:

Yarn size: 14 pounds (per spindle of 14,400 yards); jute yarn, breaking strength, 18 to 20 pounds; paper yarn breaking strength, 8 to 10 pounds.

Mr. WARNKE. I would like at this time to highlight what our opinion is and then comment briefly on our recommendations.

The membership of the Soft Fibre Manufacturers' Institute is about 13 companies with plants in 13 States of the United States. We represent 95 percent of the jute yarn production of the United States. We are weavers of jute, flax, and hemp yarns.

We support the bill because we believe that H. R. 469 or S. 1616 provides the consumers with desirable information as to the content of products in which the fiber content determines the serviceability, the wearing qualities, or the appearances.

We feel, however, that the exemption which is presently included in both of these bills which would exempt the backings of floor coverings from the coverage of the act, is inconsistent with the basic purpose of the bill.

We certainly are pleased with the statement of yesterday of Congressman Smith in which he indicated that this exemption may have been included in error, because of the fact that we think that rug backing is exactly the sort of a product in which identification of the fiber content is of great importance to the consumer.

The backing of a rug is basic to its structure. A rug or a carpet is an integral unit. It is composed of the facing and of the backing. The backing is either woven together with the facing in the case of a woven rug, or else the facing material is tufted to the backing in the case of tufted rugs, which are a growing part of the industry.

The CHAIRMAN. Is that padding, too, that you put under a rug?

Mr. WARNKE. No; this is separate from padding.

The CHAIRMAN. It is not a pad that you put under it?

Mr. WARNKE. No. In fact, Senator, our opinion is that possibly this exemption was intended to apply to padding rather than to backing. In other words, backing, being an integral part of the rug itself, we feel comes squarely within the purposes of this bill.

The CHAIRMAN. When it was first mentioned, I was thinking in terms of padding.

Mr. WARNKE. The padding is, of course, a separate unit. It is sold separately from the rug itself. But the backing, we feel determines the wearing quality, the handling characteristics, and very properly it determines how the rug should be either dry cleaned or laundered.

There is nothing that we have been able to find in the hearings on H. R. 469 and similar bills considered by the House that gives any basis for the exclusion of backings for floor coverings. The testimony at that time was that the exemptions are intended to exclude products that have either an inconsequential fiber content or else products in which the disclosure of the fiber content is not necessary for the protection of the consumer.

Certainly rug backing does not meet either of these descriptions. The rug backing is entirely fiber, so that the fiber content is dominant and the wearing qualities of the rug and the cleaning characteristics are determined by the backing equally with the front.

The traditional backing fiber for carpets and rugs has been jute. For most of the last century jute yarn has been the product that has been used in rug backing. We feel that jute yarn is uniquely qualified for purposes of rug backing. This is because of its strength, its resistance to stretch, its resistance to wetting, and also its naturally fibrous texture that insures a more tightly consolidated whole.

The major product of the jute spinning industry is jute carpet yarn. Naturally we are interested in having the fiber content of backings revealed by labeling. But we feel that it is equally important for the consumer to have this disclosure.

Within recent years a growing amount of the floor covering has been manufactured with substitute yarns in the backing. The common replacement has been paper yarn. In our opinion, this substitution is significant as far as the characteristics of the rug or carpet are concerned, and we feel that the consumer is entitled to know whether paper has been used instead of jute.

We don't object to the growing competition of paper yarn. We just feel that the consumer and the rug manufacturers and we as jute spinners are entitled to protection which is in this bill which merely insures that the consumer knows what the product is and what the product is made of.

Paper yarn came into the rug and carpet backing field originally as a wartime substitute. During World War II the Federal regulations prevented the use of jute for anything except essential wartime

products, so at that time paper yarn was used. It has continued to be used and it is in increasing use at the present time.

Paper and jute yarns are not interchangeable for purposes of manufacturing rug backing. They have different characteristics. Our tests show, for example, that the tensile strength of jute yarn is approximately twice that of paper yarn. Jute yarn has a characteristic of little elongation under stress. Therefore a carpet that is made with jute yarn as backing can be cut and fitted and laid with little distortion. This is particularly important of course when it comes to something like wall to wall carpeting.

At the same time, a rug backing yarn made of jute is softer and more flexible than one that is made of paper. This means that it can be fitted into place more readily. I have here some samples of rug backing manufactured both with paper yarn and with jute yarn. These I think illustrate what I mean by an integral whole.

In addition I have another sample that has a latex backing. This latex, when added to the backing of the rug of course makes it extremely difficult to tell by superficial examination whether there is jute yarn or paper yarn in the backing.

One very practical reason we feel for identifying the type of fibers that are used in the backings of rugs is the problem of the professional dry cleaner. It was pointed out by Congressman Smith at the House hearings that one group that very much favored this type of legislation were the service industries, the people who were engaged in laundering and dry cleaning textile products. It is extremely important that a dry cleaner know whether a rug has paper yarn or jute yarn in the backing. With proper care, the paper yarn can be cleaned. However, if the dry cleaner does not know—and with this latex it sometimes is extremely difficult to know—the special care that is needed may not be given and the result may be deterioration or destruction of the product.

The CHAIRMAN. In other words, a rug is no better than its backing?

Mr. WARNKE. We feel that the backing is of equal importance to the facing of the rug. It is all one rug, it is all one unit. In addition to that, the fact that it is one unit brings up another point that we think is very important, and that is in addition to these considerations that we believe tend toward the inclusion of rug backing within the coverage of the bill, the fact that the facing is already included means that there is going to be a label on the rug anyway. So that there is no added burden on the manufacturer, as far as including the backing is concerned, since the same label can be used to disclose the entire fiber content of the product. As a result the type of inconvenience that the last witness testified to would not be applicable at all if this amendment were made to the bill.

The fact that the substitution of paper yarn for jute yarn is of importance to the consumer is brought out we believe by the fact that sometimes fancy names are used for paper yarn. It is not usually referred to as paper. It is usually referred to as "kraft cord" or "kraft fiber cord." Under the provisions of both bills, when the fiber material is disclosed, it will have to be disclosed under a generic name. The Federal Trade Commission is given authority under section 7 (c) to establish the generic names for manufactured fibers.

We assume that if it is on what is known as a fiber rug, in other words, a rug that doesn't have the wool surface, something like a sisal rug, when paper yarn is used there presumably under the bill in its present form it would have to bear a label that indicated that it was made of paper yarn. We feel that when paper yarn is used on the the backing of a woven or tufted rug, that it is equally important and that there is fully as much reason for disclosing to the consumer what the fiber content is.

There is one additional point that the Soft Fibre Manufacturers' Institute desires to make. As I have indicated in response to your questions, Senator, there is a distinctive difference between a rug backing and a rug padding, or what is sometimes known as a rug cushion. The backing is part of the rug itself. The padding is not really a floor covering, it is under there to increase the wearing qualities of the floor covering itself.

The members of the institute sell what is known as jute card waste, a by-product of the manufacturer of jute yarn, to the manufacturers of rug paddings. In addition, one of the members of our institute manufactures rug paddings. The difference essentially between a rug backing and rug padding in terms of the objectives of this act is that the fiber content of the rug pad has absolutely no influence on how it wears. A rug pad has just the purpose of providing bulk and a bouncy surface. It is never even visible.

In the case of something like wall-to-wall carpeting, it wouldn't even have to be a homogenous whole. It has to have just sufficient strength so that it can be handled and transported and laid. But there is no reason why the consumer should have any interest in what the exact fiber composition is.

In other words, in our view rug padding falls in the same category as the types of things that are presently exempted under section 12 of both S. 1616 and H. R. 469.

The CHAIRMAN. And you suggest an amendment to 12 (a) (6), "paddings or cushions for use under floor coverings."

Mr. WARNKE. In place of the present exemption for backings of floor coverings.

The CHAIRMAN. You would change the wording there?

Mr. WARNKE. That is right.

The CHAIRMAN. It accomplishes the same purpose.

Mr. WARNKE. Yes, sir. We feel possibly something like rug paddings may already be excluded under section 12 (a) (3) of S. 1616. I believe it is 12 (A) (4) in H. R. 469. We are clear that rug paddings are not intended to be used, but we are afraid that the present exemptions are not broad enough to clearly exempt them. If you will notice, section 12 (a) (3) of S. 1616 has an exemption for filling of padding incorporated in a product primarily for structural purposes and not for warmth.

This is a type of padding; but, of course, the language here about padding used for warmth appears to be applicable to garments, rather than to something like a rug padding.

As the committee undoubtedly knows, there are various types of rug padding. One common one is a rubber pad. Certainly the rubber pad does not come under the act. The other type is a combination pad. Its very name indicates the nature of the product. It is

a mixture. It is a mixture of primarily waste fibers and hair. This is, of course, a sanitary product because in its processing it is subject to considerable heat and it is sterilized. But the nature of the product makes it clear that it is unimportant to the consumer to know what exact percentages of fibers are in it.

In addition to that, the manufacturing processes that are involved would make it wholly impracticable for any rug-padding manufacturer to attempt to disclose what these percentages are. The rug paddings are made out of waste fibers and out of such things, gentlemen, as jute bagging. The jute bagging itself is not uniform in its characteristics, and other things such as jute butts and sometimes old carpeting is included in the rug padding. These are mixed in a continuous process manufacturing. The mixture varies even within a single roll; in order to achieve uniform characteristics there has to be an expert who stands there and watches the resulting product and tries to insure its uniformity. But no label could ever be devised which would be applicable to any single rug pad. Indicating percentages would be impossible since you don't know what the exact percentages are in constituent materials that go into the rug.

The CHAIRMAN. You favor the bill, but you think that the rug and carpet backing should be covered, and you clarified any misunderstanding there might be on the misconception about what a carpet backing is. On rug padding you think they should be exempted, and you suggest an amendment or change of the wording of paddings and cushions for use as floor coverings.

Mr. WARNKE. That is correct.

The CHAIRMAN. Are there any questions?

If not, thank you very much.

Mr. WARNKE. I would like to leave these samples of rug paddings.

The CHAIRMAN. Thank you very much.

Next we have Mr. Miller of the Foreign Textile Association. Is he here?

(No response.)

Mr. Roland Jones, president of the American Retail Federation. Mr. Jones has a very short statement. Then we will recess until this afternoon.

STATEMENT OF ROWLAND JONES, JR., PRESIDENT, AMERICAN RETAIL FEDERATION

Mr. JONES. As the statement said, my statement is brief. I expressed the hope that the ideas which are submitted will be helpful to this committee.

The CHAIRMAN. I am sure they will be, because the retail business is vitally affected by the objectives of this bill—or the practical application of the bill, I would say, rather than objectives.

Mr. JONES. For background: The American Retail Federation is a federation of 38 statewide associations of retailers and 31 national retail associations, representing through their combined membership more than 800,000 retail establishments. A list of the association members of the federation is attached to this statement.

The subject before the committee today is the Smith bill (H. R. 469) which is proposed as—

An act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products.

No one could quarrel with this as a purpose. The concern of the retail industry is whether the bill would actually carry out this purpose, or whether it would lead to real confusion and hardships all along the line from the producer of the textile fiber to the ultimate consumer.

I do not pretend to be an expert in textile fibers, whether natural or synthetic, nor am I an expert in the articles which are manufactured from these fibers. I am simply here to discuss with you some of the problems which the retail industry believes will arise from the passage of the wrong kind of a labeling bill.

This is an important bill. It would affect every retailer, no matter how large or how small, who sold even one line of a textile article. There are far more of these than you would think. The 1954 Census of Business shows that there are 1,401,993 retail establishments in the country, excluding eating and drinking places. Of these, 246,670 are in the general merchandise, apparel, and home-furnishings groups and would certainly be affected. In addition there are many other retail stores which sell some textiles as a side line, grocery stores, hardware stores and drug stores. There are 365,027 of these which probably would be affected as well. It would be safe to say that a bill of this kind potentially affects nearly one-half of the retail stores in the country. It is important, therefore, to get the right kind of a bill, one which will accomplish its purposes without undue hardship to anyone, even if that means more time and effort in studying and drafting such legislation.

I should like to say right here that retailers are just as interested in protecting their customers as anyone else could be. Many of them have grave doubts, however, whether this bill will actually protect their customers. Certainly it will not give them all that they need in purchasing textile products.

The retail industry is confused as to the real purposes and as to the merits or demerits of the bill. There is no clear expression of opinion on these subjects. However, in talking with various members of the industry and their representatives, I have gathered a number of specific objections to specific provisions of the bill. These I would like to present to you for your consideration together with a suggestion as to how these and probably many others, which will be presented to you during these hearings, can be overcome.

First, as to the specific objections.

Who is responsible for the label? The final responsibility of seeing that a label is actually on the goods when sold to the customer rests with the retailer. But who is responsible for putting that label on the merchandise in the first place? Obviously the retailer cannot be held responsible, since he has no way of being certain of the fiber content of the merchandise. Perhaps 3 or 4 retailers in this country have testing laboratories which could tell the contents, but they are certainly the exception. The manufacturer who made the article is the only one who can state what the fiber content is, and the full responsibility of seeing that the item is correctly labeled should be on

him. Section 3 (d) (5) of the bill, which bears on this point, is not clear. It exempts from the labeling requirements any textile fiber product—

until such product has been produced in the form intended for sale or delivery to the ultimate consumer.

Proponents of the bill say that this is intended to mean the manufacturer. Then why not say so, by adding after the word “produced” the words “by the manufacturer”? This would make it very clear that the obligation for labeling the article rests, where it should rest, upon the manufacturer who has the primary responsibility.

There has been some argument, Mr. Chairman and Senators, as to the meaning of the word “generic.” You can get a number of opinions, but Webster’s latest dictionary has a biological definition which has not pertinency here, and the second one, which I think applies to its use in this connection, the definition is general as opposed to specific. So we don’t know exactly what the word “generic” means in this bill and how it would be interpreted, and we suggest that some further consideration be given to make it clear.

Our people certainly think that labeling of long chemical names will have no real meaning to the average consumer.

On the other hand, the trade names dacron, nylon, and so forth, do come to have meaning through long experience in this area.

What’s in a name? The bill provides (in section 4 (b) (1)) that each label and in all advertisements the fibers present in the article must be shown by their generic names. This presents little difficulty in the case of natural fibers, but will cause trouble for many of the new manmade fibers. Will it really help the consumer, or anyone else, to cumber the labels with six-syllable chemical names? It might be a boon to the makers of labels, since labels may have to be twice as large, and hence cost more, but will it really benefit anyone else?

The country of origin provision: Section 4 (b) (4) of the bill requires that, in the case of an imported textile fiber product, the label must show the country where the textile fiber product was processed or manufactured. Present customs regulations require that finished products must be marked so as to show the country of origin. The bill goes much farther, since a textile fiber product is defined as meaning fiber, yarn, or finished or semifinished merchandise. Thus this provision would include items which were made in this country of imported fabric, and it would be possible that the fiber in this case had been processed in one country and manufactured into fabric in another. Would there be two countries of origin in this case? Retailing can see no point in such an extension of the principles of present customs regulations, except a wish on the part of some to help the sales of domestic products.

Advertising could be cumbered by unnecessary information. Section 4 (c) provides that in the case of a written advertisement, if any disclosure or implication of fiber content is made, the advertisement must show the constituent fiber or combination of fibers designating each fiber by its generic name in the order of predominance.

The CHAIRMAN. Mr. Jones, there—for the purpose of the record—you are speaking of the House bill?

Mr. JONES. That’s right.

The CHAIRMAN. The Senate bill does have an exemption?

Mr. JONES. That's right.

The CHAIRMAN. So I gather that if a bill were to be passed, you would prefer the Senate version as to this particular point?

Mr. JONES. On this point; yes, sir.

Normally in promotions retailers do state the fiber content of an article, but they should not be forced to do so. It would be far simpler if they were required to include in all advertisements, written or oral, a statement to the effect that all items are labeled correctly as to fiber content. To compel a retailer in all written advertisements to state all fibers, particularly by their generic name, would clutter up advertising, hurt promotions, and quite probably force the retailer to omit other information which the customer would really like to have.

I suggest that the labeling requirements for manufacturers under this proposed legislation forecloses any need for the advertising provisions contained there in for the reason that the presence of the required label on the textile amply informs the consumer. To repeat the requirement in advertising becomes unnecessary for the reason that the consumer is fully advised of the fiber at the retail counter—the point of decision to buy or not to buy.

As to packaged goods, section 4 (e) would allow a label to be affixed to a package, instead of to each item in a package, in cases where the textile product is intended to be sold to the ultimate consumer in that package. Manufacturers very often package items in two, three, or perhaps as much as a dozen lots, intending that the package shall be sold to the consumer as such. However, in many such cases the retailer finds that in order to move the items more quickly it is better merchandising to break the package and sell the items individually. Under the terms of the bill the retailer could not do this unless he assumed the responsibility of supplying an individual label for each item on the package. Therefore, since the manufacturer should have the full responsibility of labeling, he should be required to label each individual item, and not be allowed to force the retailer to assume this responsibility.

Informative labeling has a long history in this country. I recall my participation in behalf of the National Association of Retail Druggists in the long battle which preceded the passage of the Copeland bill which modernized informative labeling in foods and drugs. That statute stands today as a landmark of progress in the protection of the consumer from the health standpoint and from false and misleading advertising. This law was successful in meeting the evils which were apparent and today the cases of violation are few and far between.

There was no effort at any time during the pendency of food and drug legislation to extend regulation to the retail industry.

The CHAIRMAN. Right there—and of course the Food and Drug Act is very strict because of things people take into their body rather than wear—they do have what you are suggesting here: A druggist could have a bottle of pills, for example, say 500 in a bottle as it comes from the manufacturer, and the manufacturer would put on the label exactly what this was, what was in it, and everything else, but the druggist could sell 50 of those pills out of that bottle?

Mr. JONES. The drugstore where I was raised is still in the family, and that is almost a nonexistent matter today.

The CHAIRMAN. Nobody could do it without violating the law.

Mr. JONES. The point is that druggists don't sell pills out of a bottle and put them in a box and sell them to customers except under prescription. The Food and Drug law takes care of that particular labeling part. Druggists today, in over-the-counter sale of pills or the common household remedies, do no packaging.

The CHAIRMAN. They don't particularly like to do it but I don't think they would be in violation of the law if they did, if they sold a portion of a bottle that was adequately marked. The consumer would know what he was getting.

Mr. JONES. That's right. A druggist, if he did that today, I think would be very careful to let the customer know what was in the tablets.

The CHAIRMAN. Yes; they would be very careful. In the food business, cans, for example, are sufficiently labeled.

Mr. JONES. The food business today is overwhelmingly a package business.

Responsibility for informative labeling was placed exclusively at the manufacturer and producer level. The only onus on the retailer was that if he purchased misbranded goods they were subject to seizure. We can find no real necessity to depart from this precedent in the matter of textile fiber product labeling.

This completes the objections to the bill which have been brought to my attention. Doubtless you will have many others offered to you in the course of these hearings. For this reason I should like to be permitted to offer a suggestion to the committee. I believe that many of the objections which have been and will be offered to the bill could vanish if all interested parties, proponents and opponents, manufacturers and retailers through their representatives, could be brought together under the auspices of this committee. Differing points of view can be reconciled, agreements reached, and misunderstandings eliminated far better at a conference table than in the more formal atmosphere of a hearing before a Senate committee, which cannot go much farther than statement and rebuttal. I strongly urge this committee to call such a conference. I will gladly accept the responsibility to bring in the various retail groups which are interested in this subject. I am sure that the manufacturers associations can do the same. Controversies often disappear in the light of full understanding. I believe that it could happen in this instance.

That completes my statement.

The CHAIRMAN. I think your idea is a good one. It would save us a lot of time and trouble. Unfortunately, this is about the only way that we can handle it as a practical matter—to have the proposed legislation in front of us and hear what the interested parties have to say. If we could be helpful in suggesting that all the interested parties informally meet some place else and come up with some compromise or suggestions and work out the controversies in the bill, we would be the happiest people in the world.

Mr. JONES. The only value of the suggestion is that I think there is a good chance that it would narrow the area of controversy.

The CHAIRMAN. This bill has been before us since last August. It passed the House in August. I was hoping that during all these months some of these people would be getting together.

Mr. JONES. There have been some informal ones, but not with any real effort to have a little give-and-take in this picture. It wouldn't take over 2 or 3 days of delay at the utmost to make the try.

The CHAIRMAN. As I understand it, Mr. Jones, the census of the retail federation is that you want the words, "By the Manufacturer" inserted after the word "produced" on page 6, so that would nail it down to the manufacturer; and then the question of the generic names you suggest should be cleared up?

Mr. JONES. That is right.

The CHAIRMAN. You also think there is no reason to require the name of the country from which it is imported, in textiles?

Mr. JONES. Not in addition to the present customs regulations.

The CHAIRMAN. In products that are not finished?

Mr. JONES. Finished products that come in, in consumer form, are now required to have the country or origin.

The CHAIRMAN. That's right.

Mr. JONES. As far as the raw material, I have no opinion.

The CHAIRMAN. Customs require marking a given crate or article: "Made in X country," but sometimes it doesn't follow through in each individual item.

Mr. JONES. That is true.

The CHAIRMAN. It should, but it is awfully hard to enforce.

You also favor the Senate version of the bill which would exempt the advertising. That is a specific recommendation you have.

Mr. JONES. Yes, sir.

The CHAIRMAN. Are there any questions?

Senator PAYNE. No; I think he has made some very constructive suggestions.

Senator THURMOND. I have none.

Mr. JONES. Thank you.

(The lists of the associations, as above referred to, are as follows:)

STATE ASSOCIATIONS

Alabama Council of Retail Merchants, Inc.
 Arizona Federation of Retail Associations
 Arkansas Council of Retail Merchants, Inc.
 California Retailers Association
 Colorado Retailers Association
 Delaware Retailers Council
 Florida State Retailers Association
 Georgia Mercantile Association
 Idaho Council of Retailers
 Illinois Retail Merchants Association
 Associated Retailers of Indiana, Inc.
 Associated Retailers of Iowa, Inc.
 Kentucky Merchants Association, Inc.
 Louisiana Retailers Association
 Maine Merchants Association, Inc.
 Maryland Council of Retail Merchants, Inc.
 Massachusetts Council of Retail Merchants
 Michigan Retailers Association
 Minnesota Retail Federation, Inc.
 Mississippi Retail Merchants Association
 Missouri Retailers Association

Nebraska Federation of Retail Associations, Inc.
 Nevada Retail Merchants Association
 Retail Merchants Association of New Jersey
 New York State Council of Retail Merchants, Inc.
 North Carolina Merchants Association, Inc.
 Ohio State Council of Retail Merchants
 Oklahoma Retail Merchants Association
 Oregon State Retailers Council
 Pennsylvania Retailers Association, Inc.
 Rhode Island Retail Association
 Retail Merchants Association of South Dakota
 Retail Merchants Association of Tennessee
 Council of Texas Retailers Association
 Utah Council of Retailers
 Virginia Retail Merchants Association, Inc.
 Associated Retailers of Washington
 West Virginia Retailers Associated, Inc.

NATIONAL ASSOCIATIONS

American Retail Coal Association
 Associated Retail Bakers of America
 Association of Family Apparel Stores, Inc.
 Institute of Distribution, Inc.
 Mail Order Association of America
 National Appliance and Radio-TV Dealers Association
 National Association of Chain Drug Stores
 National Association of House to House Installment Companies, Inc.
 National Association of Music Merchants, Inc.
 National Association of Retail Clothiers & Furnishers
 National Association of Retail Grocers
 National Association of Shoe Chain Stores
 National Council of Business Mail, Inc.
 National Foundation for Consumer Credit, Inc.
 National Industrial Stores Association
 National Luggage Dealers Association
 National Retail Farm Equipment Association
 National Retail Furniture Association
 National Retail Hardware Association
 National Retail Merchants Association
 National Retail Tea & Coffee Merchants Association
 National Shoe Retailers Association
 National Sporting Goods Association
 National Stationery & Office Equipment Association
 National Tire Dealers & Retreaders Association, Inc.
 Retail Jewelers of America
 Retail Paint & Wallpaper Distributors of America, Inc.
 Super Market Institute, Inc.
 Variety Stores Association, Inc.
 Women's Apparel Chains Associations, Inc.

The CHAIRMAN. We finished all the witnesses we were supposed to hear yesterday except one. Mr. Crowder, are you here?

Mr. CROWDER. Yes, sir.

The CHAIRMAN. And Mr. Roistacher, of the bedding manufacturers. We will recess until 2:30 when we will hear these 2 witnesses and we will go on with as many as we can this afternoon, subject to conditions on the floor.

(Whereupon, at 12:45 p. m., the committee was recessed, to reconvene at 2:30 p. m.)

AFTERNOON SESSION

The CHAIRMAN. The hearing will be in order. We will proceed. It will be difficult to get any other Senators here because they are calling for constant quorums on the floor. We have so many witnesses

I think I will go ahead. I know some of you gentlemen will appreciate that. We will hear from Mr. J. A. Crowder at this time.

STATEMENT OF J. A. CROWDER, ON BEHALF OF THE BOSTON WOOL TRADE ASSOCIATION, NATIONAL WOOL TRADE ASSOCIATION

Mr. CROWDER. With your permission, I would like to have inserted in the record my full statement and I will summarize our position.

The CHAIRMAN. All right.

(The statement is as follows:)

Mr. Chairman and members of the committee, my name is J. A. Crowder. I am an attorney in the law offices of Clinton M. Hester, this city. I am appearing here today on behalf of the Boston Wool Trade Association and the National Wool Trade Association, for which we are Washington counsel.

The members of the two associations which we represent here today supply the woollen and worsted manufacturing industry of the United States with approximately 90 percent of the wool which it consumes. The Boston Wool Trade Association, which has been in existence for a half century, is the trade association of members of this industry in the New England area. The National Wool Trade Association is, as its name implies, nationwide in scope.

Our members buy wool at the ranch or abroad, sort it, classify it as to type and grade, process it through the cleaning operation known as scouring, and perform all other services necessary to prepare the raw wool from the sheep's back for use by manufacturers. In addition some of our members perform the early stages of manufacture known as combing and topmaking, which prepare the wool for manufacture into yarn. The function of the wool trade is to act as a connecting link between the woolgrower and the wool manufacturer.

We appear here today in support of S. 1616 and H. R. 469, which extend the principal of mandatory fiber identification to textile products composed of fibers other than wool.

The Wool Products Labeling Act, which requires informative labeling of textile products containing wool, has been in existence for 18 years and has in our judgment proved its merit both from the standpoint of the consumer and the standpoint of the industry. We are pleased to note the contemplated extension of the principle of this act to the labeling and advertising of other textile fiber products.

We think it is today more important than ever before that the consumer be afforded full and accurate information identifying the fiber or blend of fibers comprising the textile products which he buys. This is because the consuming public today has available to it a greater variety of fibers, natural and synthetic, and blends of fibers, than ever previously. The consumer has, in our opinion, a right to know what he is getting; and the producer of the fiber has both a right and a corresponding responsibility to have his fiber identified on the label and in the advertising of the products into which it is manufactured and in which it is sold.

At the hearings held last year before the House Interstate Commerce Committee on H. R. 469 and other bills relating to textile fiber product identification, support was registered by certain industry groups for proposals which would have amended or repealed the Wool Products Labeling Act of 1939. These proposals were not accepted by the committee or the House.

In view of the possibility that similar proposals will be made to this committee during the current hearings, we join with the National Wool Growers Association in reiterating our unalterable opposition to repeal or weakening of the Wool Products Labeling Act.

We agree wholeheartedly with the Federal Trade Commission's position that repeal of this act would be a "serious mistake." (Letter: Chairman Gwynne to Hon. Oren Harris re H. R. 5605, dated April 4, 1957.)

Discussion of the merits of the Wool Products Labeling Act revolves about two principal issues. The first of these issues is whether it is justifiable to require, as the act does, that the presence of reprocessed or reused wool be specified on the label of the product in which such wool appears.

The arguments currently being urged in opposition to the requirement that reprocessed and reused wool be designated, were fully aired before this committee during the hearings which preceded enactment of the Wool Products Labeling Act.

These arguments were considered and rejected by a majority of this committee and by the Congress.

In the past 17 years the American consuming public has grown accustomed to expect that it will be informed, by the label, of the presence of reprocessed or reused wool in a garment.

To deprive the consumer of this information which he, through 17 years of experience, has grown to expect—and which we believe he has a right to expect—would seem to us to be manifestly unfair.

Nor do we believe that the wisdom of preserving this statutory requirement is lessened in any degree by an alleged difficulty in detecting the presence of reprocessed wool in falsely labeled imports of wool products from abroad. A Federal Trade Commission witness testified before the House committee last year that the Commission knows of no such imports, but that he has been given expert opinion that the presence of such reprocessed fibers could be detected by laboratory analysis.

In any event, we suggest that difficulty of enforcement in one limited area is not a valid reason for repeal of a statute of general applicability which provides abundant benefit to the mass of the people.

The second issue concerning the Wool Products Labeling Act is whether or not uniformity of labeling requirements for all textile fiber products is to be desired. We submit that uniformity is very much to be desired, in the interest of both the manufacturer and the consumer.

Yet we suggest that the proper method of achieving uniformity is not to scrap the Wool Products Labeling Act, then apply to all textile products including wool products a looser set of standards—thereby sacrificing the advances made by the Congress 17 years ago when it enacted the Wool Act.

It seems to us that the Congress would be rendering a fine service to the consuming public of the United States and to the entire textile industry if it were to achieve uniformity by extending to all textile products the very worthwhile labeling requirements embodied in the Wool Products Labeling Act.

This would be substantially accomplished if the Congress were to enact the labeling provisions of S. 1616 and H. R. 469 with a simple amendment which would apply across the board the requirement that the presence of reprocessed and reused fibers be disclosed on the label.

Such an amendment has been proposed by the principal producers of synthetics, Du Pont and Chemstrand. And the reasons which make imperative the requirement of disclosure of the presence of reprocessed and reused wool are equally applicable in our opinion to the other natural fibers and synthetic fibers.

Adoption of this amendment would, we believe, be an achievement which would reflect substantial credit on this committee and the Congress in the eyes of the American public and the overwhelming majority of the textile industry.

Thank you, Mr. Chairman and members of the committee, for this opportunity of presenting our views to you.

Mr. CROWDER. I am J. A. Crowder, appearing on behalf of the Boston Wool Trade Association and the National Wool Trade Association, the members of which supply the woolen and worsted manufacturing industry of the United States with approximately 90 percent of the wool which it consumes. Our members are those who buy wool from the producer, prepare it for manufacture, and a number of our members perform the early stages of manufacture of wool.

We appear here today in support of S. 1616, and H. R. 469 which extend the principle of mandatory fiber identification to textile products composed of fibers other than wool. The Wool Products Labeling Act which requires informative labeling of textile products containing wool has been in existence for 18 years and has in our judgment proved its merit both from the standpoint of the consumer and from the standpoint of the industry. We are pleased to note the contemplated extension of this act to the labeling and advertising of other textile fiber products. We wish to reiterate before this committee our unalterable opposition to any weakening or repeal of the Wool Products Labeling Act and in particular that provision of the act

which requires disclosure of the presence of reprocessed and reused wool.

We agree with the Federal Trade Commission's position that repeal of this act would be a serious mistake.

That, in summary, is our position, Mr. Chairman. I thank you for your time.

The CHAIRMAN. Thank you. I appreciate your being so brief. I assure we understand the position of your group.

Mr. CROWDER. Thank you.

The CHAIRMAN. Mr. Miller? He is not here apparently.

Next we have the bedding manufacturers, represented by Mr. Albert Roistacher.

We will be glad to hear from you.

STATEMENT OF ALBERT S. ROISTACHER, ASSISTANT GENERAL MANAGER OF THE NATIONAL ASSOCIATION OF BEDDING MANUFACTURERS

Mr. ROISTACHER. Mr. Chairman, I am Albert S. Roistacher, and I am assistant general manager of the National Association of Bedding Manufacturers, a trade association established in 1915. The members of this association produce, we estimate, in excess of 80 percent of the mattresses and boxsprings sold in this country and approximately 60 percent of the dual-purpose sleeping furniture such as convertible sofas, studios, couches, sofabeds, and chairbeds.

Our position on H. R. 469—and all my remarks, Mr. Chairman, are directed to that bill—is that if this legislation is enacted the outer coverings of the products of our industry should be exempted from its labeling requirements because such labeling is not necessary for the benefit of the consumer of our products and would be of little or no value to him—certainly not enough to justify the very heavy burden it would impose on bedding manufacturers.

The National Association of Bedding Manufacturers is not opposed to the truthful labeling of bedding products. Since its inception, more than 42 years ago, one of our most important functions has been to foster and promote such labeling. Today 39 States and the District of Columbia have bedding laws requiring such labeling, and our association has either sponsored or actively supported most of these laws. It should be emphasized, however, that these laws require the label to show the contents of the mattress or boxspring or other bedding product. None of them require the fiber content of the outer coverings to be disclosed. In fact, since the laws permit the labels to bear only information specifically set forth in each law, they prohibit the fiber content of the outer coverings from being shown on the bedding law label. Therefore, if bedding products are subject to the act, H. R. 469 would require the bedding manufacturer to place an additional label on each item.

Section 12 (a) exempts from the provisions of the act (1) upholstery stuffing and (2) outer coverings of furniture. We believe these exemptions should be left in the act.

One of the reasons for the exemptions is the unwarranted burden that would otherwise be placed on furniture manufacturers. Since other segments of the furniture industry either have testified, or will

testify, on this point, and since their testimony will apply in most respects to bedding manufacturers, we shall not burden the record by repeating the same arguments. Instead we will limit our testimony to the application of these exemptions to bedding products.

The first exemption, upholstery stuffing, evidently applies to mattresses and boxsprings as well as to furniture, since the contents of these articles all come under the category of upholstery stuffing. As I have just pointed out, the bedding law label required by the various States and the District of Columbia would have to disclose the contents, which consists of the upholstery stuffing.

The point I would like to raise for clarification is whether the second exemption, outer coverings of furniture, also applies to mattresses and boxsprings. In my mind there would be no doubt that it does were it not for section 2 (g) of the act.

A mattress or boxspring is just as much a piece of furniture as a sofa or chair. To demonstrate that this coincides with the official viewpoint of the United States Government, I offer in evidence a copy of Bulletin MC-25A, published by the Bureau of the Census, United States Department of Commerce, which reports the 1954 Census of manufacturers statistics on household furniture.

(The above mentioned document is on file with the committee.)

Mr. ROISTACHER. I would like to direct the committee's attention to the cover of this publication. You will note that under the general heading "Household Furniture" is listed the various categories of furniture included in the report. These are: wood furniture, not upholstered; upholstered household furniture, which includes dual-purpose sleeping furniture, one of our industry products; metal household furniture; mattresses and bedsprings, which includes boxsprings; and household furniture not elsewhere classified.

I would also like to invite the committee's attention to page 25A-1 of bulletin MC-25A. That bedding products are considered to be furniture is clearly shown by the text at the start of the report on that page which reads as follows:

This report shows 1954 Census of Manufactures statistics for establishments primarily engaged in manufacturing household furniture classified into each of the following industries: * * *

The listing following this statement is the same as the one on the cover and includes mattresses and bedsprings and upholstered household furniture.

I hope I have not belabored the point, because I think it fairly obvious that the term "furniture" includes bedding products and that the exemption accorded to the outer coverings of furniture would apply to the outer coverings of mattresses and boxsprings.

The CHAIRMAN. You haven't belabored the point, but just because the census includes it doesn't necessarily make it so.

Mr. ROISTACHER. No, but normally furniture means a piece of household equipment of that type.

The CHAIRMAN. The objective of the census and the objective of this legislation are entirely different for classification purposes.

Mr. ROISTACHER. That I can't argue.

The CHAIRMAN. The fact that somebody in census made it in this category doesn't mean it is so necessarily.

Mr. ROISTACHER. That may well be.

The CHAIRMAN. It means that they, for census purposes, included it.

Mr. ROISTACHER. The term "furniture" would normally include mattresses and boxsprings.

The CHAIRMAN. It doesn't make any difference what it is called or what category it comes under, if it should be labeled for the protection of the consumer, it should be labeled. If it shouldn't, I don't care what classification it is.

Mr. ROISTACHER. That is the point we will get to, Mr. Chairman.

The CHAIRMAN. Some of the most inconsistent categories are in the Census. In fact, it almost becomes humorous to look at some of them.

Mr. ROISTACHER. We think this is a very consistent classification.

But you will see why I have emphasized it when we look at section 2 (g) of the act which defines "household textile articles" that must be labeled in accordance with the act if made in whole or in part of fabric.

Section 2 (g) reads as follows:

The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings and other textile goods of a type customarily used in a household regardless of where used in fact.

It is the inclusion of the plural word "beddings" in this definition that creates the difficulty because it is not clear what it means.

In our industry the word that refers to our products is "bedding"—in the singular. The name of our trade association is National Association of Bedding Manufacturers—with "bedding" again in the singular. When the Bureau of the Census wishes to distinguish our products from other household furniture it refers to them as bedding products. And I may say that the Bureau is not the only one that does that, Mr. Chairman. That is general usage. The term "beddings" is never used in our trade.

It is my impression that department store people sometimes use the word "beddings"—in the plural—to refer to articles like sheets, pillowcases, and blankets, all of which may be used in making up a bed. My opinion is that it is to such items, and not to mattresses and boxsprings, that section 2 (g) is meant to refer. This opinion is supported by the fact that the other articles listed in the definition are all "textile goods" such as wearing apparel, costumes, draperies, and floor coverings. These articles are entirely, or primarily, made of fabric, whereas there are no articles listed in which the fabric is a relatively minor constituent of the article, as is the case with mattresses and boxsprings. In any event, the section is ambiguous and should be clarified.

NATIONAL ASSOCIATION OF BEDDING MANUFACTURERS,
Washington, D. C., February 25, 1958.

Re hearings on H. R. 469

Mr. HAROLD I. BAYNTON,

Chief Counsel,

*Senate Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.*

DEAR MR. BAYNTON: I have just received some information from the staff of Congressman Smith, who sponsored H. R. 469 in the House, which I think will be helpful to the committee in connection with my testimony this afternoon.

On page 4 of my mimeographed statement I discussed the meaning of the word "beddings" as it appears in section 2 (g) of H. R. 469 and expressed the opinion that it is meant to refer to articles like sheets, pillowcases, and blankets rather than mattresses and boxsprings.

Congressman Smith's staff informs me that my opinion is correct and that in fact the drafters of H. R. 469 meant the word "beddings" to refer to sheets, pillowcases, and blankets.

You, of course, are in a position to verify this statement so that the committee may recognize the need for clarification of section 2 (g). Possibly, instead of simply deleting the word "beddings" from section 2 (g), as I recommended, it may be better to replace this word with the specific items intended to be included in the definition.

Cordially yours,

ALBERT S. ROISTACHER,
Assistant General Manager.

Mr. ROISTACHER. I would like to make just one more point in support of our position that mattresses and boxsprings should be exempted from the provisions of H. R. 469.

The purpose of the act is to protect consumers against misbranding and false advertising of the fiber content of textile fiber products.

The CHAIRMAN. Right there I think we should get this in perspective. It is the purpose of this particular act; but that doesn't mean that the act couldn't be enlarged to cover all kinds of things.

Mr. ROISTACHER. I agree with you.

The CHAIRMAN. In fact the Department of Commerce suggests that we take the Wool Labeling Act, the Fur Labeling Act, and this proposed act, and have an overall act, labeling everything that should be labeled.

Mr. ROISTACHER. That is correct.

The CHAIRMAN. That is regardless of category.

Mr. ROISTACHER. The point of my argument which I am getting to is that regardless of the general inclusion of the act, we think these products should be exempted.

The CHAIRMAN. There may be a lot of things in this act which shouldn't be in there, too. I don't know.

Mr. ROISTACHER. The act can be of benefit to the consumer who decides whether to buy one of several competing products primarily on the basis of fiber content. It also has obvious application where a knowledge of the fiber content is helpful in order to launder, dry-clean, or iron the product without damaging it. None of these situations apply to mattresses and boxsprings.

Fabric used as the outer covering of mattresses and boxsprings is called ticking. Bedding manufacturers select tickings, not on the basis of fiber content, but on the basis of style and construction.

The CHAIRMAN. What are tickings generally made of?

Mr. ROISTACHER. It varies. It can vary from 100 percent cotton to very fancy types of fabric with metallic stripes in and that sort of thing.

The CHAIRMAN. Would you say that most of it is either cotton or a cotton base?

Mr. ROISTACHER. Cotton is one of the main constituents, Mr. Chairman. Rayon and other synthetics do enter into it to a great degree.

They select styles they think will appeal to the consumer, and constructions that will give the consumer long service. They seldom know the fiber content of the tickings they use.

The advertising appeals used to sell mattresses and boxsprings to the consumer are comfort, health, degree of firmness, durability, specific types of construction, and smartness of the ticking. Fiber content of the ticking is not one of the appeals used. To demonstrate this I offer in evidence a number of advertisements.

First are some ads I tore out of recent issues of Life Magazine. Here is one by Simmons. Please note that the only references to the ticking are the statements, "durable striped cover" and "long-wearing cover." There is no reference to the fiber content.

Next is an ad of another nationally advertised brand, Serta. I can find no reference to the ticking in this one.

Then there are two ads by Sealy, also a nationally advertised brand. In one ad the only reference to ticking is, "smart woven stripe ticking." The other ad speaks of the "beautiful carnation cover," but does not mention fiber content.

Here is an Englander ad that also appeared in Life. There is no reference to the ticking. And here are copies of two more Englander ads, neither of which mentions ticking.

This sheet contains proofs of mats furnished to retailers—we get down to the retail ads—by a relatively small manufacturer, Orders Mattress Co. These ads are run in the local newspapers by the retailers. Please note that the only claim made about the outer coverings is "lovely damask ticking."

This one is a proof of a national ad placed by Restonic, a group of smaller manufacturers. The ticking is not mentioned.

This is a proof of an ad used by retailers who sell Restonic products. The ad emphasizes features such as button-free surface, extra-firm innerspring, reinforced insulation and luxurious upholstering but says nothing about the ticking.

These two Spring Air advertisements are used nationally. They make no mention of the ticking.

Here is a Sylcon ad which stresses the ticking, but what is being stressed is the style, "a soft dove blue, delicately spiced with gay Parisienne scenes," not the fiber content. These other Sylcon ads don't mention ticking at all.

The CHAIRMAN. I suppose that mattresses could have buttons on it and nobody would care.

Mr. ROISTACHER. I suppose so.

And finally, we have two sets of retailers' ads furnished to its dealers by Sealy. Please note that the ads on their high-quality, \$79.50, mattresses and boxsprings do not mention the ticking at all, while those covering the lower-priced promotional merchandise refer to it as "smart woven stripe ticking" and in some ads as "extra long wearing," but do not say a word about the fiber content.

If more proof is needed, we can furnish the committee with an almost infinite number of additional advertisements. I trust these exhibits are sufficient to demonstrate that manufacturers of mattresses and boxsprings do not use the fiber content of the ticking as a selling feature and that such fiber content is not one of the factors in which consumers are interested when purchasing these articles of bedding. If the consumer were interested, you can be certain that all these ads would be placing emphasis on this feature, as is the case with clothing and other textile articles whose fiber content the consumer may want to know.

This brings us to the final question: How would it benefit the consumer to know the fiber content of the outer coverings of mattresses and boxsprings?

In our opinion it would not benefit him at all. The boxspring, which is under the mattress, does not come into direct contact with the user. The mattress is covered with a mattress pad and a sheet. Neither is ever washed, laundered, dry-cleaned, or ironed. The basic reasons why a knowledge of the fiber content can be of benefit to the consumer in areas such as clothing simply do not exist in the case of mattresses and boxsprings.

The outer coverings of furniture such as sofas and upholstered chairs are obviously subjected to more direct contact and a greater degree of wear and soiling than are mattress and boxspring tickings. Therefore, if it is not necessary to disclose the fiber content of the outer coverings of other types of furniture, there is all the more reason not to require such disclosure in the case of mattresses and boxsprings.

The CHAIRMAN. Thinking out loud, I suppose the reason that you people put a tag on pillows or springs under State laws is that the consumer can't see inside and therefore is entitled to know what is inside the pillow or mattress or whatever it is.

Mr. ROISTACHER. That is it exactly.

The CHAIRMAN. That has long been in effect. Are most of the 39 State laws similar or fairly uniform?

Mr. ROISTACHER. Yes. As a matter of fact, Mr. Chairman, there is a uniform law label that is acceptable in practically all of the States.

To summarize, I have tried to make these points:

1. We favor the retention, in the act, of exemptions for upholstery stuffing and outer coverings of furniture.

2. While we believe mattresses and boxsprings are included in the latter exemption, as well as the former, the act, as presently drafted, is ambiguous and should be clarified.

The CHAIRMAN. Do you suggest that in the bill——

Mr. ROISTACHER. I have a recommendation in the last paragraph, Mr. Chairman.

The CHAIRMAN. You make a direct recommendation. I see.

Mr. ROISTACHER. Yes, sir.

The CHAIRMAN. Continue.

Mr. ROISTACHER. The consumer is not interested in the fiber content of mattress and boxspring ticking and does not buy these products on the basis of such fiber content.

The CHAIRMAN. Let's not say the consumer is not interested. He is always interested when he buys. Your point is that it doesn't really make much difference in these cases?

Mr. ROISTACHER. That is right.

The CHAIRMAN. He might be interested in whether the fiber content is this or that, but it doesn't make much difference in the quality of the mattress. Would I be also correct in saying that the manufacturer would try to get as durable a fiber as he could, because after all the wearability of the mattress and springs inside would last much longer than the fiber. He would get as durable fiber as he could, wouldn't he?

Mr. ROISTACHER. I think you have hit it exactly, Mr. Chairman.

The CHAIRMAN. It wouldn't serve any purpose for him to have a spring inside and to put up a mattress with cheap fiber, because that would wear out so fast the rest of it wouldn't even be touched.

Mr. ROISTACHER. That is it exactly, and the general practice in our industry is that the manufacturer makes good any defects.

The CHAIRMAN. You state here that he doesn't know usually what kind of fiber he gets. I wouldn't assume that. He would know what it is.

Mr. ROISTACHER. Mr. Chairman, before coming here I checked with a dozen of our members, and it surprised me, but that is the fact, that there are so many different blends today that they buy primarily on the basis of what it looks like, and how it will wear. They are not at all interested in whether it is all cotton or cotton and rayon or what have you.

The CHAIRMAN. Wouldn't there be some combination that would wear better that they would desire?

Mr. ROISTACHER. No, sir. Because, as was indicated in this morning's testimony by Mr. Apsey, what is in it doesn't necessarily indicate how long it is going to wear. It is the way they are woven, the particular type of weave, and various percentages.

The CHAIRMAN. He would want to have some sort of assurances that it would be very durable?

Mr. ROISTACHER. Oh, yes. They generally test them out before they use them.

The CHAIRMAN. Test them out as to durability and style?

Mr. ROISTACHER. That is right.

The CHAIRMAN. Or color, rather than what is in them?

Mr. ROISTACHER. That is correct. To repeat that point and to clarify it, because you put your finger on it, when I said the consumer is not interested in the fiber content of the outer covering, perhaps he may be, but the most important element in the mattress is not that but the construction of the mattress, so it gives him the features that he wants as to comfort.

4. Disclosure of the fiber content of the outer coverings of mattresses and boxsprings would not benefit the consumer.

I try to point out there that normally you don't launder, iron, or dry-clean the mattress, so that that element of it doesn't exist.

5. If the outer coverings of other categories of furniture are entitled to exemption, there is even greater reason for exempting mattress and boxspring tickings.

I therefore recommend that H. R. 469 be amended as follows:

(a) Amend section 2 (g) by deleting the word "beddings."

(b) Amend section 12 (a) (2) to read "outer coverings of furniture and bedding;" in the singular.

Mr. Chairman and gentlemen, I appreciate this opportunity to testify on behalf of the National Association of Bedding Manufacturers, and I shall be glad to try to answer any questions you may have.

The CHAIRMAN. I thought you said in the beginning of the testimony that we should drop the "s" from "beddings."

Mr. ROISTACHER. No, sir. The import was to drop "beddings" from that section.

The CHAIRMAN. Drop "beddings" completely?

Mr. ROISTACHER. Drop it, and put "bedding" in the singular in the exemption.

The CHAIRMAN. You don't want to go half way?

Mr. ROISTACHER. The substance of my argument about the difference between bedding and beddings was that they refer to two different things.

The CHAIRMAN. But if we drop the "s" you would feel better about it than if we left it in?

Mr. ROISTACHER. If we dropped the "s" we would know we were included, much as we wouldn't like it.

The CHAIRMAN. You wouldn't like it?

Mr. ROISTACHER. Not a bit.

The CHAIRMAN. Even though you would be included?

Mr. ROISTACHER. Yes, sir.

The CHAIRMAN. So you suggest the singular?

Mr. ROISTACHER. Yes, sir.

The CHAIRMAN. That is in section 2 (g). In the definition of household textile articles

Mr. ROISTACHER. Yes, sir.

The CHAIRMAN. What about in the exemption itself?

Mr. ROISTACHER. In the exemption which now reads "outer coverings of furniture" that would be clarified.

The CHAIRMAN. Just add "and bedding"?

Mr. ROISTACHER. Yes, sir.

The CHAIRMAN. Thank you very much.

Mr. ROISTACHER. Thank you, Mr. Chairman.

The CHAIRMAN. This concludes the witnesses we were to hear yesterday.

Off the record.

(Discussion off the record.)

The CHAIRMAN. We will hear Mr. Edward L. Merrigan at this time.

**STATEMENT OF EDWARD L. MERRIGAN, ON BEHALF OF TEXTILE
FABRICS INSTITUTE, ACCOMPANIED BY MORRIS L. HIRSH,
SAMUEL LOBSITZ, ANTHONY R. FISCHER, AND WILLIAM BARNET**

Mr. MERRIGAN. Mr. Chairman, during this morning's session one of the witnesses suggested that it might be possible for some of the industry representatives to confer and reach agreement regarding some of the more difficult aspects of this legislation. We were happy to hear the chairman say that although the committee could not administer any such procedure, it would be extremely happy and satisfied if industry representatives could eliminate some of the difficult controversial aspects of the labeling problems through such procedure.

Our industry witnesses, Mr. Chairman, came here to testify from various parts of the United States regarding only one specific problem, that being an amendment offered before the House committee by the Du Point Co. whereby in certain cases textile products manufactured from processed fibers would have to be labeled "Reprocessed" or "Reused." This amendment to H. R. 469 was defeated by the House committee, Mr. Chairman, and does not appear in H. R. 469 as it passed in the House. S. 1616 does not contain any provision such as

the amendment offered by the Du Pont Co. in the House of Representatives.

In line with the chairman's statement of this morning we discussed the matter with representatives of the Du Pont Co. during lunch and were advised that the Du Pont Co. does not intend to offer or sponsor the inclusion of this amendment here or on the floor of the Senate. The Du Pont representatives here stated that they would be pleased to confirm this fact for the record. With such confirmation we would be pleased to withdraw the statement of testimony already filed and resubmit later this week, Mr. Chairman, a corrected statement referring only to our client's industry as a whole, and to various other industry facts and exhibits which we feel should be included in the written record.

Of course this is such a limited problem that we don't really foresee that this will happen, but if any other witnesses should reopen the problem and offer the amendment which concerns our people so much, and which caused them to travel here to Washington to testify, then we would like, Mr. Chairman, to testify brief oral testimony in opposition.

The CHAIRMAN. If some should show up I will blow the whistle for you.

Mr. MERRIGAN. Mr. Chairman, I understood from the Du Pont representatives that they would be pleased to confirm for the record the facts that I stated here now. In order to let our people leave here with a little piece of mind and know that they will be, we hope, rid of this problem which bothered them so tremendously, would you permit the Du Pont representative here to make a confirmation for the record?

The CHAIRMAN. Yes; I will be glad to.

STATEMENT OF JAMES O. GRADY, ON BEHALF OF THE DU PONT CO.

Mr. O'GRADY. I am James O'Grady, from the Du Pont Co. It is a fact that we do not intend to introduce an amendment of the type mentioned by Mr. Merrigan, despite the fact that such amendment was introduced at the time the hearings were held before the House. We recognize that it caused a great deal of controversy, and particularly in the interest of not endangering the passage of this much needed legislation we have elected not to introduce an amendment at this time.

The CHAIRMAN. Thank you very much. We appreciate that. It helps resolve this problem in a voluntary way. We appreciate it very much for the committee.

STATEMENT OF D. FRANKLIN KELL, EXECUTIVE SECRETARY AND GENERAL COUNSEL, TEXTILE WASTE EXCHANGE, INC.

Mr. KELL. Mr. Chairman, I am D. Franklin Kell and I represent the Textile Waste Exchange, an association in Atlanta, Ga., about 90 companies engaged in the buying and selling of all kinds of textile fiber byproducts, commonly referred to as cotton byproducts. In view of the statement just made I would like to offer the statement I have in front of you for the record. I have no further statement to make.

The CHAIRMAN. As I understand it, your group, the Textile Waste Exchange, which has ninety-some corporations in the textile fiber byproducts industry and which handle most of the spinning and weaving mill production from these commodities, now endorses the bill, either the House or the Senate bill with some of these amendments we have discussed, which wouldn't change the general objective of the bill in any way.

Mr. KELL. They are acceptable to us; the bill as it came over from the House, H. R. 469, or S. 1616.

The CHAIRMAN. Thank you very much, Mr. Kell.

(The complete statement of Mr. Kell follows:)

My name is D. Franklin Kell. I am executive secretary and general counsel of the Textile Waste Exchange, Inc. The exchange is an international association of some 90 corporations, partnerships, and individuals engaged in the purchasing and marketing (and processing in many instances) of all kinds of textile fiber byproducts, commonly referred to as cotton or textile waste. Its membership handles about 95 percent of all of our Nation's spinning and weaving mills' production of these commodities. The association was formed nearly 30 years ago, and it was incorporated under and pursuant to the laws of the State of Georgia in 1935. Its headquarters are in Atlanta, Ga.

Our association endorses H. R. 469 as adopted and passed by the House. Likewise, S. 1616 is fully acceptable to us. We believe this proposed legislation is constructive and its enactment would be in the public interest.

We fully concur in and are in complete accord with the position of the National Cotton Council, as presented by Mr. Banks Young on the opening day of this hearing.

The CHAIRMAN. Does anybody else want to speed this up?

Mr. MERRIGAN. Mr. Chairman, I was reminded that with this amendment out of this bill; in other words, the amendment that was defeated in the House, our group has no objection to H. R. 469 as passed by the House.

The CHAIRMAN. Thank you for that information.

Off the record.

(Discussion off the record.)

The CHAIRMAN. We will recess the meeting until tomorrow afternoon at 2 o'clock.

Those witnesses who are scheduled for tomorrow afternoon, be here tomorrow, because we can probably hear you all tomorrow. Those who are scheduled for today be back Thursday morning at 10:30.

(Thereupon, at 3:27 p. m., the committee was adjourned, to reconvene at 2 p. m., Wednesday, February 26, 1958.)

TEXTILE LABELING LEGISLATION

WEDNESDAY, FEBRUARY 26, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The committee met, pursuant to adjournment, at 2:05 p. m., in room G-16, United States Capitol, the Honorable Warren G. Magnuson, chairman of the committee, presiding.

The CHAIRMAN. We will come to order.

There are other Senators coming but we have so many witnesses to hear we will proceed.

Mr. Kintner, you have a statement on behalf of the Federal Trade Commission; is that correct?

Mr. KINTNER. Yes, sir.

The CHAIRMAN. All right; we will be glad to hear from you.

Mr. KINTNER. I am accompanied by my experts, sir.

STATEMENT OF EARL KINTNER, GENERAL COUNSEL, FEDERAL TRADE COMMISSION; ACCOMPANIED BY HARVEY HANNAH, CHIEF, DIVISION OF WOOL, FUR, AND FLAMMABLE FABRICS, AND HENRY MILLER, FEDERAL TRADE COMMISSION

Mr. KINTNER. Mr. Chairman, to me it is always a great personal pleasure and a privilege to appear before this committee, and particularly under your chairmanship.

The CHAIRMAN. Thank you.

Mr. KINTNER. You asked that the Federal Trade Commission be represented here to give its comments with respect to H. R. 469 and S. 1616.

I am accompanied by the Government's two chief experts in this field of labeling, Mr. Harvey Hannah, who is Chief of the Commission's Division of Wool, Fur, and Flammable Fabrics, and Mr. Henry Miller, who was for many years an expert in this field and participated in much of the legislative work with respect to these three pieces of legislation now enforced by the Commission.

I should like to read into the record, if I might, the Commission's report on H. R. 469 and then submit for the record the report on S. 1616 and explain briefly the differences involved.

The CHAIRMAN. All right; we will be glad to hear you.

Mr. KINTNER. I have here a letter signed by John W. Gwynne, Chairman of the Federal Trade Commission, by direction of the Commission dated November 8, 1957, addressed to the Honorable Warren G. Magnuson, chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your letter of August 16, 1957, inviting comment upon H. R. 469 which was passed by the House of Representatives of the 85th Congress, 1st session. The purpose of the bill is to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any "textile fiber product," the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals, but there are a few of its provisions as to which we think some comment should be made.

The CHAIRMAN. Right there I wish to note the presence of our colleague from the House, Congressman Smith, who introduced this House bill. If he has any questions he would like to ask of the Federal Trade Commission, he should feel free to do so. We are trying to get as good a record as we can on these bills and see where we stand.

MR. KINTNER. Yes, sir.

Section 4 (b) (2) of the bill provides for the establishment by the Commission of reasonable tolerances for deviation in the fiber content of any textile fiber product from the amount stated on the label and that no deviation which does not exceed the tolerance shall be a misbranding. This is followed by a second provision that any deviation which exceeds the tolerances fixed shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variation in manufacture despite the exercise of due care to make the statements on the label accurate. The Commission is inclined to doubt the advisability of this double provision and thinks it would be preferable to omit the first provision and make the latter provision applicable to any deviation rather than to deviations in excess of a prescribed tolerance.

The CHAIRMAN. Let's take these one at a time. In other words, the Commission sets standards of tolerance which, if exceeded, constitute misbranding. This is followed by a second provision that any deviation which exceeds the tolerance fixed shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variation in manufacture despite the exercise of due care to make the statements on the label accurate.

Now, you suggest that the first portion be removed?

MR. KINTNER. Yes, sir. Our objection to this portion of the bill is that it provides for a tolerance on a tolerance. Under the mandate, the Commission in the bill as presently drafted must, in the first place, set reasonable tolerances for deviations in the fiber content of textile fiber products from the amount stated on the label.

In setting a reasonable tolerance some of the same factors to be considered are those which would normally be considered in determining unavoidable variations in manufacture, despite the exercise of due care.

If the provision is enacted it would amount to a double tolerance of which some of the unscrupulous might well take advantage. It is our suggestion that the tolerance provision be the same as that provided in the Wool Products Labeling Act, namely, deviations resulting from unavoidable variations in manufacture.

That portion would be left in. The first portion would be removed under our suggestion.

The CHAIRMAN. The first portion would be removed?

Mr. KINTNER. Yes, sir. You have a tolerance on a tolerance. We would remove the first and leave the second.

The CHAIRMAN. With your permission, let me ask Congressman Smith what comment he may have on that.

Mr. SMITH. I would think that if the Commission thinks it could work better with that first portion out it would be satisfactory. My idea is it would work all right, too.

Mr. KINTNER. We have had successful experience——

The CHAIRMAN. I was going to say—as a practical matter you can work better with the omission; is that correct?

Mr. KINTNER. The Wool Act is similarly drawn and we have had 17 years of successful experience with that act. Accordingly it would be, I think, more meaningful to the industry and the public, and certainly easier on the enforcement agency if the similar experience in the Wool Act were transferred over to this bill.

The CHAIRMAN. And this would apply to the Senate bill as well?

Mr. KINTNER. Yes, sir.

Senator SCHOEPPPEL. Has that provision been heretofore tested in any court action?

Mr. HANNAH. Once.

Senator SCHOEPPPEL. Therefore, you would have a precedent to follow in the courts?

Mr. KINTNER. We have one court precedent as I understand it, and, of course, it has been tested in many Commission decisions that were not appealed.

Mr. HANNAH. Senator, wherever the Commission finds that an unavoidable variation in manufacture exists in their investigation of a case, well, it does not pursue the prosecution of it; it stops right there. And we have had pled as affirmative defense only in one action, back several years ago, but it has been tried and has worked very well.

The CHAIRMAN. Well, is not the question of intent involved sometimes, too, in these cases?

Mr. KINTNER. Oh, yes.

Mr. HANNAH. Yes; if it is an intent to mislead, deceive, that would not have been an unavoidable variation. We would not consider it as such, but if it was just a mistake like someone made a mistake in blending record or something and got the wrong mixture that is something different.

The CHAIRMAN. All right. Now go on with your statement.

Mr. KINTNER. We have handled the matter administratively in many, many cases without any problem to the industry.

Obviously any "reasonable tolerances" that might be fixed could not be those which could be met only by manufacturers with the best equipment and greatest manufacturing skill; on the contrary, they would have to be wide enough to include the products of the poorly equipped and less skillful manufacturer. This can result in manufacturers attempting to come barely within the tolerances provided, rather than being as accurate as the exercise of due care in their individual cases would permit. If fibers of widely varying value are being combined, a tolerance provision almost forces a producer to try to use the least amount of the most valuable of the fibers that he can, and still stay within the tolerance or be able to defend a deviation

beyond the tolerance under the second provision. If there were no tolerances fixed and the second provision applied to any deviations, quite plainly the Commission would not proceed with respect to deviations which could be successfully defended. It has not done so under the Wool Products Labeling Act, and any other course would be a senseless waste of public funds. Under such a provision deviations would have to be treated upon the basis of the individual case, and consequently there would be no tendency to lower standards to the extent permitted by a tolerance that was fixed to accommodate low manufacturing efficiency.

Section 4 (c), which deals with advertising, covers only written advertisements used to promote the sale or offering for sale of textile fiber products. This would amount to an exemption from the advertising provisions of the bill of all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole concerning the advertising provisions of the bill and might well be considered discriminatory against advertising mediums of a written type. The advertising provisions of the bill should perhaps be extended to cover any form of advertising mediums, including radio and television.

The CHAIRMAN. The Senate bill differs in that respect, does it not?

Mr. HANNAH. No, sir.

The CHAIRMAN. There is an exemption in our bill. Look at 4 (c)—4 (c) on page 9 says that accepted percentages of the fiber present in the textile fiber product need not be stated.

Are you referring to that?

Mr. KINTNER. No, sir. I have no reference to that provision in this connection.

The CHAIRMAN. You are referring to the limitations on 4 (c)?

Mr. HANNAH. To written advertisements.

The CHAIRMAN. To written advertisement. Congressman Smith, what do you have to say on that?

Mr. SMITH. We did not put it in the original draft because we thought it might involve some complications as to the type of advertising, whether it is hard to monitor and things like that. But I think the public should be protected if it is the feeling of the committee that it would be properly monitored. That it would be things like that and that would be all right.

The CHAIRMAN. The Federal Trade Commission is supposed to be monitoring radio and television. I gave them a little money last year to do it. I am sure they are. I hope they are. They have been very helpful in a drive we started here a couple of years ago on particularly radio advertisements; and television, of course, poses the same problem.

Mr. KINTNER. Thank you, sir; we are aware of the Senator's interest in that respect and we are doing our very best to monitor the radio and TV advertising.

The CHAIRMAN. Anyway, we are to understand that we better look at the word "written" and see whether or not if we are going to pass this bill—that we cover all types of advertising.

Mr. KINTNER. The matter could easily be handled by removing the word "written" from subsection 4 (c) and then the committee's report

on the bill might well explain that the general term "advertisements" is meant to cover all forms of advertising mediums—written, radio, television, and so forth.

The CHAIRMAN. I think you could use the words "any form of advertising medium," period. That would cover it.

Mr. KINTNER. Certainly.

The CHAIRMAN. All right. Section 4 (d).

Mr. KINTNER. Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act, "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label, there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should nevertheless conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

To illustrate my point in that connection, Mr. Chairman, the Oleomargarine Act prohibits representations that oleomargarine is a dairy product. After the act passed the Congress certain manufacturers of oleomargarine had the practice of prominently inserting in the advertising the fact that oleomargarine contained the word "butter" and the courts agreed with the Commission that butter should be listed as a part of the ingredients in the particular product and not given undue prominence in the advertisements. And this same situation could apply here, perhaps to a less limited extent.

I offer the other as a graphic example of what I meant.

The CHAIRMAN. Of course, in some of these cases, as I understand it, if the bill passed they could put it on another tag rather than sew it into the article?

Mr. KINTNER. Yes, sir.

The CHAIRMAN. And, of course, that tag might include sizes or price or anything else that the seller would like to put on that tag?

Mr. KINTNER. We merely offer this as a suggestion to prevent some evasion——

The CHAIRMAN. Of course, if something was deceptive in that tag you could take care of it anyway by your general authority.

Mr. KINTNER. Yes.

Mr. SMITH. That is what I had in mind.

Mr. KINTNER. We have that authority. We just point out the possibility of a problem that this other written material on the tag may possibly obscure in some way the information that you gentlemen might wish to have on the tag of a labeling nature.

Mr. HANNAH. Senator, I would like to speak a moment on that. I think our thinking is the same as with Congressman Smith, our main point is that we would like to perhaps insert the word "nondeceptive" into line 7 on page 9 just before the word "information," so it would read:

advertisement may contain other nondeceptive information not violating the provisions of this act or the rules and regulations promulgated thereunder.

Now, by rules and regulations we can protect the required information from the standpoint of conspicuousness and such as that.

The CHAIRMAN. I suppose the word "nondeceptive" would constitute somewhat of a warning to people to be careful what they put on there, but you still would have the authority regardless, as I understand it, that if there was deceptive information or if the thing became deceptive in its whole content that you would be able to act?

Mr. KINTNER. Yes.

Mr. HANNAH. It would avert the possibility of some lawyer picking it up and saying, "Here, Congress said we could put it on there."

The CHAIRMAN. We will consider that. Go down to section 4 (b) 4, the committee has had a lot of discussion on that.

Mr. KINTNER. The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used, and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

Subsection 4 (b) (4) of the reported bill reads:

If it is an imported textile fiber product the name of the country where processed or manufactured * * *.

This subsection does not appear to add anything more than is presently required under section 304 of the Tariff Act of 1930, as amended, and as supplemented by regulations of the Bureau of Customs concerning the marking of imported articles.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

The CHAIRMAN. What you are saying there in effect is that it does not make much difference where it comes from as long as you tell what it is. Is that right?

Mr. KINTNER. Yes, sir.

The CHAIRMAN. Why was that put in in the House bill?

Mr. SMITH. There was a lot of interest in having some identification of foreign country of origin and the committee changed it to this language. I have forgotten precisely what the other language was.

I mean, there was some confusion about how, as it is pointed out here, there is not a great deal of difference, but at least it provides for the requirement of the country of origin and does not impose any improper restrictions on the imports or anything that would interfere with the normal operation of our tariff or the trade regulation.

The CHAIRMAN. It might pose a practical matter on textiles though, where the customs would require—suppose a huge shipment of large boxes of bolts of cloth came in. The customs require on that crate “Made in X country.” But whether or not we want to require it put on every bolt of textiles or not that is another matter.

Mr. SMITH. That is something.

Senator POTTER. I assume one of the reasons for it, whether it is right or wrong, I do not know. But probably there are some people that would prefer to buy American goods than foreign goods and I assume probably that was the thought behind that language.

Mr. KINTNER. We find at the Commission that there will be a preference for American-made goods in one instance and perhaps a preference for foreign-made goods in another instance, and some times that public preference varies with the political situation abroad.

Senator POTTER. Yes.

Mr. KINTNER. We have no recommendations on that.

The CHAIRMAN. Unfortunately some people have prejudices against certain countries and do not want to buy from certain countries.

Mr. KINTNER. We make no recommendation on this, Mr. Chairman. It is a matter of policy for the Congress.

The CHAIRMAN. I think we understand your position. And the testimony here was to the effect that we did not directly affect the objectives of the bill but it might have some indirect effect.

Mr. KINTNER. Now, sir, if we might submit for the record our comments on S. 1616 which are contained in a letter dated April 23, 1957, and addressed to the chairman and signed by our Chairman, John W. Gwynne.

This is addressed to the Honorable Warren G. Magnuson, chairman of this committee and signed by John W. Gwynne, Chairman of the Commission. The letter reads as follows:

DEAR MR. CHAIRMAN: This is in response to your letter of March 20, 1957, inviting comment upon S. 1616, 85th Congress, 1st session, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any “textile fiber product” the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals but there are a few of its provisions as to which we think some comment should be made.

Section 4 (b) (2) of the bill provides for the establishment by the Commission of reasonable tolerances for deviation in the fiber content of any textile fiber product from the amount stated on the label and that no deviation which does not exceed the tolerance shall be a misbranding. This is followed by a second provision that any deviation which exceeds the tolerances fixed shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variation in manufacture despite the exercise of due care to make the statements on the label accurate. The Commission is inclined to doubt the advisability of this double provision and thinks it would be preferable to omit the first provision and make the latter provision applicable to any deviation rather than to deviations in excess of a prescribed tolerance.

Obviously any "reasonable tolerances" that might be fixed could not be those which could be met only by manufacturers with the best equipment and greatest manufacturing skill; on the contrary, they would have to be wide enough to include the products of the poorly equipped and less skillful manufacturer. This can result in manufacturers attempting to come barely within the tolerance provided, rather than being as accurate as the exercise of due care in their individual cases would permit. If fibers of widely varying value are being combined, a tolerance provision almost forces a producer to try to use the least amount of fibers that he can, and still stay within the tolerance or be able to defend a deviation beyond the tolerance under the second provision. If there were no tolerances fixed and the second provision applied to any deviations, quite plainly the Commission would not proceed with respect to deviations which could be successfully defended. It has not done so under the Wool Products Labeling Act, and any other course would be a senseless waste of public funds. Under such a provision deviations would have to be treated upon the basis of the individual case and consequently there would be no tendency to lower standards to the extent permitted by a tolerance that was fixed to accommodate low manufacturing efficiency.

Section 4 (c) which deals with advertising, covers only "written" advertisements used to promote the sale or offering for sale of textile fiber products. This would amount to an exemption from the advertising provisions of the bill of all advertising by radio and television or any other form of sales representation not made in writing. This we think represents a serious loophole concerning advertising in the provisions of the bill and one which should be closed.

As it is presently drafted this same subsection would require that advertisements where any disclosure or implication of fiber content is made contain the same information as that required to be shown on the label by section 4 (b) (1) and (2) except that the percentages of fiber present. It is believed that for purposes of an advertisement there will be adequate protection afforded if the required disclosure be limited to the provisions of subsection 4 (b) (1).

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required information with other statements and by arrangements and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should nevertheless conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous

schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult, if not impossible, to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

The CHAIRMAN. What is the difference between the letters, primarily?

Mr. KINTNER. We offered no comment in the report on 1616 concerning the country-of-origin matter.

Also, we wish to point out to the committee that while the provisions of S. 1616 are applicable to upholstery and other coverings of furniture under H. R. 469, such coverings are expressly exempt. It is our opinion that upholstery and outer coverings of furniture fall squarely within the class of textile fiber products to which this legislation is directed. We are thus unable to see any compelling need for the exemption of such merchandise. Hence, we feel that provisions of H. R. 469 should be amended to include such merchandise.

Senator POTTER. Let me ask you this. I know our furniture manufacturers are greatly concerned about removing this exemption as an impractical means of identifying. It is a little different type of merchandise than a shirt or something of that kind.

You are familiar with the arguments made by the furniture manufacturers' are you not?

Mr. KINTNER. Yes, sir; I am. And the view that I expressed is that of our staff experts in this labeling field. There may well be other considerations of policy which would dictate to you gentlemen the necessity of such an exemption. I would not presume to comment upon that. There are arguments both ways—reasonable arguments both ways—and I always hesitate to get into this matter of judgment for the Congress.

Senator POTTER. In other words, you think it is a matter for Congress?

Mr. KINTNER. We are happy to comment upon technical matters and to tell you what our enforcement problems might be, but in the final analysis it is you gentlemen that deal with those conflicting policies such as are involved in this particular instance.

The CHAIRMAN. Now, I understand the Federal Trade Commission also favored including the backings of floor coverings. Is that correct?

Mr. KINTNER. That is correct.

The CHAIRMAN. And we had testimony yesterday, you remember, about that.

We will look at that and I am sure that the House group have no objections one way or another if we work this out one way or another on these two matters.

Mr. SMITH. We will go along with that.

The CHAIRMAN. I have a note here from the staff that you also might want to say something about performance labeling. What do you mean by "performance labeling"?

Mr. KINTNER. I will ask Mr. Hannah to—

The CHAIRMAN. What do you mean by "performance labeling"?

Mr. HANNAH. Performance, I imagine they mean quality representations. I do not know what they mean. We have never proposed or sponsored any of those—

The CHAIRMAN. We understand that some witnesses who will appear tomorrow will deal with that subject. I wish you would have someone here and then give us your viewpoint on that.

FEDERAL TRADE COMMISSION,
Washington, March 5, 1958.

Hon. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: During my testimony of February 26, 1958, before your committee on H. R. 469 and S. 1616, the textile fiber labeling bills, you requested me to comment on the subject of "performance labeling." Since I was not prepared at that time to discuss the matter, you requested that I supplement my remarks in this respect for later inclusion in the record. Accordingly, my comments are presented below.

Labeling as to performance of fabric merchandise is a different subject than fiber content labeling to which the bills apply. Requirements for certain performance disclosure if practicable and feasible would undoubtedly provide some useful supplemental information but would not effectively serve as a substitute for truthful fiber content disclosure.

What seems to be meant by performance labeling is a disclosure on labels of how the fabrics will withstand methods of washing, what may be their relative fastness or resistance to shrinkage, to perspiration, and to wrinkling, what ironing temperatures are required, and other factors including tensile strength or resistance to wear. Most of these so-called performance factors involve variables depending in large measure on different conditions of use by the consumer. Their proper evaluation is often a subject of controversy among industry groups, with differences of opinion on the part of experts as well as laymen.

In the circumstances it appears that performance labeling while desirable is so far from resolution of the innumerable scientific and practicable questions involved as to make the subject incapable at present of being reduced to reasonably workable legislation without prolonged testing and study, including establishment of necessary standards.

So-called performance or quality labeling seems perennially to be advanced to prevent the passage of legislation for fiber content disclosure. The argument was made in opposition to the passage of the Wool Products Labeling Act, which has proved to be not only a boon to the purchasing public but also a protection to reputable business against unscrupulous elements that at times are tempted to undertake the diversion of trade to themselves by unfair competition made possible through manipulation and nondisclosure of fiber content of materials.

Content labeling presents disclosure of factual information of what the various fabrics or garments purchased by the consumer are made of. This is basic data which the consumer needs to enable her to know what she is buying and consequently to be afforded due protection against concealed or hidden substitutes and mixtures. Without the factual content information the purchaser is largely in the position of buying a "pig in a poke." Performance labeling in lieu of content disclosure would provide no adequate corrective to this situation.

Discoveries in the field of textiles of innumerable synthetics, and development of technological advances in the processes for manipulating and finishing fiber materials, have made it possible for almost every type of textile product to be produced with the feel and appearance of that which it is not. For example, dresses are made to have the appearance and feel of linen, yet contain no linen at all. Sweaters are made to have the appearance and feel of wool, yet are wholly synthetic, with no wool at all. The traditional fibers of cotton, flax, silk,

and wool can and are simulated throughout by synthetic and substitute materials. And this is so effectively accomplished that even members of the trade are often unable to distinguish one from the other. Yet their economic value, their cost of production and usefulness to consumers may be of great disparity, depending largely on the fiber composition. Content information is necessary to enable the purchaser to make her selection between differently priced and differently mixed or blended goods with reasonable understanding of what she and her family are getting for their money.

Under performance labeling as apparently advanced by certain manufacturing groups, the factual information of the fiber content of the article would not be disclosed to the consumer. In fact, it would be concealed in many instances. This lack of fiber content disclosure throws the whole area of such vital consumer products as clothing, bedding, etc., into a situation where confusion, chaos, and competitive manipulation may gain prevalence. It would appear certain that effective cure for the resultant harm to consumer purchasing and to fair competition lies in the simple disclosure of the true fiber content, which is the objective of the bills before the committee.

It is desirable, of course, that the manufacturer make available to the consumer factual information bearing on the performance of his product in respect to washing, ironing, fastness of color, resistance to creasing, perspiration, etc., etc., but truthful disclosure of the fiber content is needed by the consumer to enable him to exercise his own judgment in the matter. Indeed, a knowledge of the fiber composition is one of the major elements which must be taken into consideration in making up an informed judgment as to performance.

Study of voluntary performance labeling has been pursued over the years by various trade groups, particularly under the aegis of the American Standards Association. These efforts are generally regarded as commendable. It is a fact, however, that progress in voluntary labeling for the disclosure of performance data has been limited, largely due it seems to the difficulty of achieving sufficient unanimity among industry groups for evaluating performance factors and creating the necessary scientific standards.

In conclusion may I express my personal opinion that if performance labeling is to be undertaken, it should be made a matter of separate legislation under which the many unsettled scientific and practical questions may be studied and, if possible, solved. This should not, in my opinion, serve to delay action on the pending fiber content legislation.

Sincerely yours,

EARL W. KINTNER, *General Counsel.*

Mr. KINTNER. We certainly will, and I might say in that connection that we are available to this committee and its staff for such consultation at any time.

The CHAIRMAN. Now, do you have anything to say at this time on the injunction part of the bill?

Mr. KINTNER. Except that our experience in connection with enforcement of the Wool Products Labeling Act is that such injunction power has a very salutary effect in securing enforcement of the law. We do not use it very often but it is there for emergency use.

The CHAIRMAN. Of course, the witnesses have testified that there should not be an injunction until after formal complaint.

Mr. KINTNER. I would simply say, Mr. Chairman, that this provision in our judgment would have a deterrent effect in violations of the law.

Again, it is a matter of judgment for this committee whether that should be before or after.

The CHAIRMAN. We will probably ask the Commission for an opinion, too, before we take final action on the bill on some of your ideas on libel and seizure authority.

Mr. KINTNER. Again, sir, we would be very happy to submit our views.

The CHAIRMAN. Does anybody have any questions?

Senator SCHOEPEL. I would like to ask this question.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

I will say for the record that Congressman Smith is here and I am sure the committee will not mind, I said he could sit in and if he had any questions we could discuss this with him and I am sure it is agreeable.

Senator SCHOEPEL (presiding). Do I understand that both of these letters are in the files of our proceedings?

The CHAIRMAN. If they are not they will be.

Senator SCHOEPEL. I would like to ask you this. On page 3 of the letter which has been the subject of this discussion, this provision:

The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult, if not impossible, to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

Have you found that condition fairly prevalent?

Mr. KINTNER. I will ask Mr. Hannah who works in this field every day to answer that question.

Mr. HANNAH. We have found occasion to use that provision in instances where a large number of products were misbranded and, for example, in a warehouse. The owner of the goods would become aware that they were misbranded and without something that we could point to it would be quite difficult in getting him to take immediate action in relabeling those goods immediately.

Under the provisions of the Wool Products Labeling Act we must give him formal notice to relabel the goods correctly before we can ever apply for any seizure proceedings.

Senator SCHOEPEL. As this letter points out, the absence of that provision in there would simply compound a situation that we should not permit to exist then?

Mr. HANNAH. That is correct.

Senator SCHOEPEL. In other words, we should give consideration to placing this provision in this present bill.

Mr. Smith, do you agree with that?

Mr. SMITH. I agree with you.

Mr. HANNAH. Senator, there is one other point that is not made there. We have also found it quite useful in handling misbranding in connection with imported merchandise against whom we have no jurisdiction over the shipper who may be abroad and we can bring an interim proceeding as distinguished from an in personam where we could not get process on the manufacturer who would be abroad. It is quite helpful in that instance.

In keeping things labeled in accordance with the dictates of the law.

Senator SCHOEPEL. I see.

Mr. KINTNER. We, again, as in the case of the instance of the injunctive proceeding, our experience has been that we would use

such proceeding very sparingly, but the fact that it is there has a great deterrent effect and assists us greatly in enforcement of the statute.

Senator SCHOEPEL. Naturally, just checking this hurriedly, I regret I was a little late getting back here this afternoon.

Mr. KINTNER. It not only also protects the public but it protects the reputable manufacturer against the manufacturer of shoddy materials.

Senator SCHOEPEL. I was wondering why that was left out. I was wondering if we could have the benefit of some language that you might submit to the committee that might be included in this measure.

Mr. HANNAH. Provisions of the Flammable Fabric Act or the Fur Labeling Act or the Wool Labeling Act, all of them have the seizure provisions and they are all practically identical.

Senator SCHOEPEL. And would such an identical phrase or wording to that effect be satisfactory?

Mr. HANNAH. As that contained in the Wool Act would be fine.

Mr. KINTNER. It certainly would, and it is essentially the same problem as we have in the Wool Act.

Senator SCHOEPEL. Senator Purtell, do you have any questions?

Senator PURTELL. No, I do not have any. I regret that another meeting kept me from coming in here at the beginning of this session. I am very much interested in this bill and very much interested, of course, in the testimony that is being offered by the witness presently before us.

I do not have any questions.

Senator SCHOEPEL. You may proceed.

Were you through?

Mr. KINTNER. That concludes our testimony, Mr. Chairman.

Senator SCHOEPEL. Does counsel have any questions?

Mr. BAYNTON. No questions.

Senator SCHOEPEL. Do you desire to ask any questions?

Mr. SMITH. No, sir.

Mr. KINTNER. Again I wish to emphasize that our staff will be very happy to work with the staff of this committee in any respect in connection with this legislation. We offer that cooperation on a day-to-day basis.

Senator SCHOEPEL. Thank you very, very much.

Mr. James O. Graves, assistant director of merchandising textile fiber department of the du Pont Co.

Mr. Graves, you may proceed, sir. I take it you have a written statement here?

Mr. GRAVES. Yes, sir; and I would appreciate its being entered in the record.

Senator SCHOEPEL. Let the record show it has been offered and made a part of the record.

You may proceed here as you desire.

Mr. GRAVES. Thank you, sir. I have with me Dr. S. W. Brainard who is one of my associates and who is in charge of our laboratory services organization.

**STATEMENT OF JAMES O. GRAVES, ASSISTANT DIRECTOR OF
MERCHANDISING, TEXTILE FIBERS DEPARTMENT, E. I. DU PONT
DE NEMOURS & CO., WILMINGTON, DEL.; ACCOMPANIED BY S. W.
BRAINARD, MANAGER, LABORATORY SERVICE TECHNICAL
SERVICE, TEXTILE FIBERS DEPARTMENT, E. I. DU PONT DE
NEMOURS & CO., WILMINGTON, DEL.**

Mr. GRAVES. Mr. Chairman and members of the committee, my name is James O. Graves. I am assistant director of merchandising of the textile fibers department of E. I. du Pont de Nemours & Co. and I appear here today in behalf of that company.

Dupont produces acetate and rayon filament yarns, nylon, Orlon acrylic fiber and Dacron polyester fiber. We are very much interested in the bills now before this committee and would welcome legislation requiring fair and adequate disclosure of fiber content in textile products.

We believe that fair and adequate disclosure requires a statement of percentage by weight of each fiber present in textile products.

We appeared before the subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives last spring when that subcommittee held hearings on H. R. 469 and other proposed labeling legislation. At those hearings, we testified in favor of H. R. 469.

The bills now being considered by this committee—H. R. 469 and S. 1616—are quite similar. Each would require labels on apparel and household textile products disclosing the percentage by weight of each constituent fiber contained in such goods in excess of 5 percent. We endorse this basic approach as the one affording the consumer and the industry the protection they need.

There are slight differences between the two bills, however, and, on balance, we favor H. R. 469. It is, we believe, an entirely practicable and workable piece of legislation that affords the protection required. It has gone through extensive hearings in the House and has, in our view, successfully compromised those conflicting positions that are capable of compromise.

The need for legislation requiring fair and adequate disclosure of fiber content in textile products is, we think, quite clear. Every textile fiber—whether natural or manmade—has certain distinctive properties and characteristics. Each also has certain deficiencies. By blending one fiber with another the advantages of each can often be melted and the deficiencies of each overcome or diminished.

The blending of fibers to achieve optimum performance for a particular end use is an ancient art and the advent of synthetic fibers has provided the textile blender with many new components and has made many new and improved fabric concepts possible.

One of the important features of synthetics is that denier, fiber cross section, length of fiber, etc., can be controlled and fibers can be engineered or tailored to achieve a particular result. Blending has not always been used for this high purpose, however.

In the highly competitive textile industry, cheaper fibers have often been blended with more expensive ones, at the sacrifice of quality, for the sole purpose of cutting costs. Our more recently developed fibers,

nylon, Orlon acrylic fiber and Dacron polyester fiber, are substantially higher in price than the cellulose, most grades of cotton and many grades of wool and they are, therefore, quite susceptible to such cost-cutting blending. Also, well known and highly regarded fibers have been used in amounts imparting none of their properties, so that the blend can be unfairly promoted by reference to the highly regarded name—a name that implies to the customer properties which the fabric does not have. It is, therefore, extremely important for the consumer to know not only what fibers are in a blend, but how much of each. It is also important for service organizations, dry cleaners, laundries and dyers, to know both the identity of the constituent fibers in a garment and the amounts of each. A fabric containing, for example, 30 percent Orlon and 70 percent wool would be handled as a wool fabric. If the percentages were reversed, the cleaning technique might be different. Similarly, a shirt of 65 percent Dacron and 35 percent cotton can be laundered more satisfactorily by procedures designed for polyester fiber than by those for cotton or predominantly cotton fabrics.

An example of the importance of making the public aware of the percentages of the fibers present in a textile product can be found in the use of nylon in carpet blends. About 20 percent of this tough, durable fiber imparts notable benefits in certain constructions when blended with wool or rayon. This amount can increase the wear life of a wool carpet blend by 50 percent. The benefit continues to increase as the percentage of nylon goes up, particularly in the twist constructions, and becomes dramatic at 70 percent higher. The percentage of nylon present in each case is important and consumers should have that information available to them.

The need for percentage labeling is dramatically portrayed when we consider the newer synthetics such as the acrylic fiber which we market under the trademark Orlon and which the Chemstrand Corp. sells under the trademark Acrilan, and our polyester fiber, which we have trademarked Dacron.

These fibers impart truly remarkable properties when used in sufficient quantities in blends. These properties have been extensively promoted by fiber producers, mills, garment manufacturers and others in the trade. The public has come to expect them in consumer products promoted under these names and it is misled if the fabric involved does not contain sufficient amounts of the fiber.

Orlon, when used in proper amounts with wool, cotton or rayon, can impart improved washability, quick drying properties, press retention, relative freedom from or easy ironing, and dimensional stability to fabrics. The percentages required for optimum benefit vary with the type of construction, the other fiber used and the intended end product. For example, our recommended blend level for knit jersey blends of Orlon and wool is 80 percent Orlon and 20 percent wool. The recommended proportions are the same for cotton blends—i. e., 80 percent Orlon, 20 percent cotton.

In blends of woven woolen fabrics, this fiber adds press retention and dimensional stability and we recommend at least 55 percent Orlon. For wash and wear rayon blends, the percentage should be at least 75 percent Orlon to 25 percent rayon. As the percentages of Orlon

are reduced in these blends, the properties which Orlon can impart diminish rapidly.

A similar situation exists with respect to Dacron polyester fiber. In many blend constructions, this fiber does an even better job than Orlon in giving washability, quick drying properties, ease of care, press retention, resistance to wrinkling and dimensional stability. To do this, however, it must be used in sufficient quantities. The minimum blend levels we recommend for such performance are 65 percent Dacron with cotton, 55 percent Dacron with rayon, 50 percent Dacron with wool, where washability is not a consideration, and 70-80 percent with wool for a wash-and-wear fabric.

Du Pont is keenly aware of the need for accurately informing the trade and the public of these necessary blend levels. We have used all of the recognized channels of mass communication—advertising, press, and radio—to tell our story. We have told it over and over again to the trade—but we know we have not been entirely successful. These blend levels have been lowered by some and the consumer is receiving goods promoted as, say, nylon and rayon, Dacron and cotton, or Orlon and wool that do not have sufficient quantities of the first-named fibers to impart the properties the public has come to expect of them. We, and the other members of the textile trades, have a percentage story to get over to the public and H. R. 469, with required percentage labeling, gives us the frame of reference we need against which to tell it.

There are some who have argued that the complete percentage labeling of H. R. 469 is an unnecessary refinement and that the public interest would be as well served if the required disclosure were limited to a listing of constituent fibers in order of predominance by weight.

Supporters of this position caused the introduction of two bills in the House embodying this basic approach. These bills would have required statement of percentage by weight only in the case of fibers present in amounts of 20 percent or less. Those present in amounts between 21 percent and 79 percent would have been identified only by generic name in order of predominance by weight. The House rejected this approach and, if an attempt to limit the full percentage requirement of H. R. 469 should be made here, we think the Senate should also reject this approach.

I believe the following illustrations will demonstrate that a mere listing of fibers present in excess of 20 percent in order of predominance by weight will not adequately serve the public interest.

Take the case of carpets, for example. There, as we have seen, the percentage of nylon used in blends can dramatically affect the wear life of the product. If the fiber disclosure required were only the order of predominance by weight, carpets containing from 21 percent to 50 percent nylon would be labeled the same insofar as this fiber is concerned and the only clue to percentages above 50 percent to 70 percent would be that nylon would lead the list of generics. We seriously doubt that the order of listing of generics would be particularly meaningful to the consumer.

Similarly, a shirt containing 65 percent Dacron and 35 percent cotton and one containing 50 percent Dacron and 50 percent cotton would bear the same label—that is, “Dacron polyester fiber and cotton.” The 65-35 shirt would have the performance and ease-of-care properties we advertise and promote. The 50-50 shirt would not. Yet, so far as

the required label is concerned, the consumer would have no way of distinguishing between the two. The differences in performance would be even greater if the Dacron content were 21 percent and cotton, 79 percent. The label would read simply "Cotton and Dacron polyester fiber" or "Cotton and polyester fiber," and we doubt that the order of generics would adequately inform the customer.

Or, take the case of two pairs of boys' slacks—one containing 75 percent Orlon and rayon, the other 50 percent Orlon and 50 percent rayon. Both would be labeled, "Orlon acrylic fiber and rayon." One would be a wash and wear garment, the other would not; yet, the customer, even with our advertising in mind, would not be able to distinguish between the two.

I would like at this point to give our views on other general arguments against H. R. 469 which were made at the hearings in the House and have been, or undoubtedly will be, repeated here.

A number of witnesses testified that information as to the kind or kinds of fiber contained in a textile product is of no interest and of little value to the consumer or to the trade. The very actions of the trade itself belie this. One has to take only a brief look at the advertising of the textile industry to realize the tremendous importance placed on fiber content. Consumer ads almost invariably feature the fiber content of the products offered. Merchants don't just advertise "curtains" or "carpets"; they advertise "nylon curtains," or "curtains of Dacron polyester fiber," or "wool carpets," or carpets of Acrilan acrylic fiber." If the public has no interest in fiber content, a lot of type is being wasted. But this is not wasted promotion. It is a clear recognition by the trade that the kind of fiber in a product is of tremendous importance to the consumer and that information of this kind will move merchandise.

This committee will undoubtedly hear a good bit of testimony on performance labeling. You will also be told that there are many other considerations in determining performance than fiber content, such as construction, fabric weight, finishing and dyeing methods. It will be suggested that only a comprehensive label including all of these factors would be of value to the consumer. This is a delaying action. The proponents of this argument know that labeling of this kind is not possible at the present time. For the most part, reliable tests do not exist and performance standards depend on tests. Indeed, there is some doubt that tests and standards can be achieved in this diverse and complex industry. Moreover, we think there is considerable doubt that labeling could ever convey to the consumer the complex performance data envisioned by the proponents of this view.

The argument that comprehensive performance labeling alone can convey really worthwhile information to the consumer is, we believe, unrealistic. It ignores completely the wealth of information available to consumers and the trade on characteristics of the various fibers, as well as care of textile products made from them. The total educational effort of the industry in this regard is enormous and there is increasing evidence that the American consumer is surprisingly well informed on these subjects.

In addition, we should not lose sight of the fact that the American consumer is constantly developing his or her own performance standards based on personal experience and has come to expect different

kinds of performance from fabrics made of different kinds and amounts of fibers.

We agree, of course, that construction, fabric weight, finishing and dyeing methods are important, but fiber content is an even more important element in the total performance formula in most end uses. Fiber content will give the consumer a reliable indication of performance and a reliable index of comparison. It will reduce to a minimum the present risks to which consumers are exposed.

Fiber content labeling is practicable now. Together with the total educational effort of the industry, it will give the consumer extremely helpful information. Performance labeling, in the word of the author of H. R. 469, is "a dream of the distant future." We submit that practical needed legislation should not be deferred to await a millennium that may never come.

It is our considered view that legislation requiring fair and adequate disclosure of fiber content is necessary for the protection of the American consumer and that such disclosure requires a statement of percentage by weight of each fiber present in textile products. We believe that H. R. 469, which embodies this basic approach, is an entirely practical and workable piece of legislation, and we favor its enactment.

Now, Mr. Chairman, if I may I would like to make a few brief additional comments on some of the recommendations and suggestions made by witnesses who testified yesterday.

Senator SCHOEPP. You may proceed.

Mr. GRAVES. Mr. Sloan of the Variety Stores Association suggested that the act provide a blanket exemption for merchandise selling at a retail price under \$5. We do not believe this is a practical suggestion.

There are a great many textile products that retail at less than \$5 such as men's half hose, ladies' blouses, men's shirts, ladies' and men's undergarments and so forth. These lower priced garments present an area in which the temptation to fudge on accurate fiber disclosure is at least as great as in other price ranges.

In our view a large area of needed protection would be removed by such an exemption.

We do not believe the difficulties of labeling will be as great as Mr. Sloan envisions. A label of some kind generally appears on these articles which could bear the information required by the act and the problem of getting labels that will stay put should not be insurmountable. Adhesives or other means of affixing exist that will do the job.

I believe that most of Mr. Apsey's testimony, and he represented the Celanese Corp., points have been met by my formal statement.

I would like to add, however, that we see no reason why confusion should result from the coexistence of this act with the Wool Act and the various trade practice rules relating to certain textile products.

Products covered by the Wool Act are exempted from this act. The trade practice rules are incomplete in their coverage and do not provide the FTC with as precise and workable tools as does this act. There is no conflict between them that would result in confusion.

As we view the matter those provisions of the rules covering the same matters as the act would be superseded by the act but other

provisions of the rules would not be affected and would be complementary to the act.

Mr. Apsey also referred to a new fabric construction in which small percentages of the newer fibers may be a performance contribution and drew the conclusion that required percentage labeling would mislead the consumer.

I would like to point out to the committee that constructions of this type are few in number and that substantial percentages of the newer fibers are required for proper performance of most constructions.

We doubt that percentage labeling will cause the difficulties envisioned by Mr. Apsey with respect to those few types of fabrics to which he refers. Should any confusion arise it can be overcome by promotional efforts such as hang tags saying "This is the recommended percentage."

Needed protection for the vast majority of fabric construction should not be forgone because it might cause surmountable difficulties for a few.

Mr. Roistacher of the bedding manufacturers has suggested that section 2 (g) of the bill be amended to delete the word "beddings" and that the words "and bedding" be inserted after "outer coverings of furniture," in 12 (a) (2). This was based on Mr. Roistacher's interpretation of beddings as meaning mattresses and box springs. The term "beddings" to us, and we believe to our trade, has a broader meaning including sheets, blankets, comforters, pillows, etc.

This, we believe, was the meaning intended by the authors of the bills and the interpretation we have put upon it. We would not want any implication to arise from the deletion of beddings from 2 (g) that sheets, comforters, blankets, pillows, etc., were not intended to be covered by the bill. We think it fairly clear that they would be covered by the general final clause of 2 (g) —

Senator SCHOEPEL. Did you say "would not be covered"?

Mr. GRAVES. Would be.

Senator SCHOEPEL. Would be covered?

Mr. GRAVES. Right.

As I was saying, we think it fairly clear that they would be covered by the general final clause of 2 (g) but to avoid any uncertainty on this point we suggest that beddings be left in and if the committee feels outer coverings of mattresses and box springs should be exempted to change 12 (a) (2) to read "outer coverings of furniture, mattresses and box springs."

Now, Mr. Chairman, we have several exhibits that if it please the committee I would like to show you which bear on some of my testimony.

Senator SCHOEPEL. All right, we are most interested.

Mr. GRAVES. The first item I have is a small sample of fabric which is used in the blouse trade and which had affixed to it a hang tag of the type I have here. I read from this tag, "Tissure" as a registered trademark and "acetate and rayon blend, chock full of Dacron."

Our analysis of this fabric showed it had 10 percent Dacron in it. Its failure to disclose on the fabric the content by percentage represents a misleading approach.

Senator SCHOEPEL. What price article was this?

Mr. GRAVES. This goes into a variety of priced blouses. They range in price over a wide range and I am not able to say exactly what the price of the blouse itself was. I have only the fabric sample with me.

Another even more flagrant violation is exemplified by this advertisement which was sent through the mail. With a large headline "Dacron Does It." And in the copy of the ad a number of comments that would lead the consumer to expect in the garment advertised the type of performance that he should get from garments containing substantial percentages of Dacron. On the front of the ad, "Looks like \$20 slacks, costs only \$5.97½."

Our analysis of the small swatch of fabric which accompanied this disclosed that it had 3 percent Dacron in it.

Under H. R. 469 such an advertisement would be an illegal act because since there is less than 5 percent Dacron present the mention of Dacron would not be permitted.

Here is a dress which has been worn twice, washed twice, and never ironed. It was advertised in the newspaper as follows:

It is our drip-dry Dacron and cotton shirt dress wonder. Daily favorite. Can wash it and drip it dry, priced at \$22.95.

I think it is obvious in looking at this fabric, this garment, after its being washed that it is not ready to be worn and does not follow the claims of the ad. There is no indication of the content of this fabric that would lead one to know what he was getting.

In the absence of that I am sure that the consumer was expecting to get the type of performance that has been advertised and promoted for properly constructed garments containing adequate amounts of Dacron. Analysis of this fabric showed it contained 50 percent rayon, 30 percent Dacron, and 20 percent cotton.

Senator POTTER. How much Dacron do you have to have—

Mr. GRAVES. Sixty-five percent, sir; which I will show you in another sample in just a moment.

Here is a blouse which follows a similar pattern of the previous sample I just displayed. Again an advertisement with it mentioned a "blend of Dacron and cotton with a shantung look, white, beige, or gray, \$7.95." This fabric has been worn none, has been washed by hand twice, and I think it is obvious that it is not serviceable without further care. The content of this actually is 50 percent rayon, 30 percent Dacron, 20 percent cotton.

Here we have a skirt from which a sample has been cut in order to run an analysis. Again an ad, "Leisure life partners in Dacron and cotton." This garment has not been worn, it has been washed twice and again does not give the consumer the type of garment after that experience that she would be led to expect from better merchandise properly represented.

An analysis shows this to be 93 percent cotton and 7 percent Dacron.

And here is a dress that is made of 65 percent Dacron, 35 percent cotton. It has been worn 20 times, washed 7 times, and has never been ironed. And I think it is quite obvious to all of you gentlemen that a garment of this type does give the consumer what they expect and the previous garments I have shown certainly would not.

Senator POTTER. Can you tell the difference between the two dresses by feeling the garment?

Mr. GRAVES. No, sir; I am certain that the average consumer could not discern the difference. The hand of the fabric is quite similar for similar constructions. Actually these are somewhat different constructions but the point is that there is an inadequate amount of Dacron to do the job the consumer expects in the other garments.

Senator PURTELL. The consumer has to be educated that there must be 65 percent of Dacron before it will do the things that it is claimed for it?

Mr. GRAVES. That is correct, sir. And there are extensive efforts underway to do that. There are literally hundreds of thousands of garments which are properly constructed and are properly merchandised with which there is already a strong consumer image of what Dacron can do.

Senator PURTELL. The first garment which you showed, which had a lesser amount, the consumer might well believe that it would look the same as this after washing because it had Dacron in it.

Mr. GRAVES. That is correct, sir.

Senator PURTELL. The producers of these synthetics are doing the advertising to acquaint the public of the need for a minimum of X percentage, 50 or 65, whatever it might be.

Mr. GRAVES. We are, and the amount that we are doing is amplified many fold by this same type of advertising being done by the other elements of the textile industry who are in favor of proper use of the fiber.

Senator SCHOEPEL. I would like to ask you this question. Now, all the examples that you have shown here to this committee, are they all domestic manufacturers?

Mr. GRAVES. Yes, sir.

Senator PURTELL. I would like to ask a question. Are you through?

Senator SCHOEPEL. Yes, sir.

Senator PURTELL. With these that have not shown good performance would the reasons that are advanced be that there are considerations other than fiber content in determining performance—such as construction or fabric weight or finishing or the dyeing method—that would account for the difference in quality between these two?

Mr. GRAVES. It is my opinion that in none of these cases are the other factors you enumerated responsible for the failure to perform.

Senator PURTELL. Let me put it this way. Would the content, your Dacron content of this have to be higher under adverse conditions of construction, fabric weight, finishing and dyeing methods, to achieve the same result as you have with that garment?

Mr. GRAVES. It is virtually impossible to generalize on a statement of that sort. As a matter of fact, any departure from shall we say acceptable levels of the items you mentioned would result in other difficulties beyond the ones I mentioned.

For example, if the construction were opened up too much you would have seam slippage, a sleazy looking fabric, the handling of the fabric would be affected adversely.

Senator PURTELL. That is the thing I want to point up. That the buying public cannot depend entirely upon the label.

Incidentally, I am not indicating at all that I am adverse to the need for this proposed legislation, but it does not at all guarantee that the garment itself will be good looking after being washed just

because it might have 65 percent Dacron. It might not be good because of construction, because of fabric weight, because of finishing or dyeing methods. Is that correct? So it is not a guarantee that the garment itself will be good. Is that correct?

Mr. GRAVES. It is not a fool proof guarantee, sir. I think, as my testimony pointed out—

Senator PURTELL. Why do you say fool proof? If you have the percentage that you have in that garment there—which is a good looking garment—could it then be under standards, again let me read, on fiber construction, fabric weight, finishing and dyeing methods, and still be a presentable garment? Do you not have to have all of them?

Mr. GRAVES. I would say, yes, it is necessary to achieve an acceptable level of all of them.

I might add in most of the items that you mentioned there is something of a self-governing factor involved because in order to get presentable merchandise by the consumer, that the consumer will be attracted by, there is only a limited amount of leeway involved in the variables that you enumerated. It is imperative however to have adequate fiber content if she has even a change of achieving the desired effect.

Senator PURTELL. Is it not a fact that the articles you showed here, and I assume sold in great quantity in one instance, because they did not have the fiber content, not the percentage, but the fiber content described.

For instance, that one put out by New Process, where he said it was extremely small. However, the public was attracted to it by the fact that they described it as "Dacron."

Mr. GRAVES. Yes, sir; and that is the need for this legislation.

Senator PURTELL. Suppose they did have 65 percent Dacron but they were deficient in finishing and dyeing methods and construction so they could achieve a lower cost in production, would they not affect the wearing quality and the appearance of the garment?

Mr. GRAVES. Depending upon the degree to which they departed the answer to the question is, yes, they would. However, as I attempted to point out, if they were deficient in the dyeing and construction the garments would not be attractive to the consumer even on first vision of the garment. The difficulty lies in the fact that without adequate fiber disclosure the consumer has no way of knowing the fiber content of the garment because it is not discernible by vision or feel.

Senator PURTELL. By fiber disclosure though it will not guarantee the consumer a good quality product?

Mr. GRAVES. It will go further toward doing that than any other move we can vision at this time.

Senator PURTELL. It will answer some of the questions but not all. And if they get to depend upon fiber disclosure they might be misled very definitely there because somebody skimping on these other qualities in order to save costs and compete on a price basis might give you the fiber content but might not give you the quality otherwise. And if the public, for instance, in buying a shirt, if somebody tells me, well, a 65-percent Dacron and 35-percent cotton is the thing, and I see one advertised at \$7.95 and another at \$6.95 and if I say I am

led to believe that the fiber content is the important thing I might be led to buy the cheaper one and find that it is deficient in wearing qualities because of, and let me enumerate again, construction, fabric weight, finishing and dyeing methods. Is that correct?

Mr. GRAVES. Your point is correct, sir. I hope that the portion of my testimony has been clearly understood that we ourselves believe very strongly that the variables you mentioned are important. Most reputable manufacturers, fabric processors, cutters, and retailers seek very stringently to see that the merchandise they purchase meets at least minimum standards with respect to the things you have enumerated.

The difficulty lies in the fact that they cannot have any way of knowing what the fiber content is by visual means and hence the urgency that that particular point be a mandatory disclosure.

Senator POTTER. Many times you can tell about the construction of the article, whether the construction is good or not. I do not know anything about the dyeing process used but I would assume in most cases you could know about the construction of the dress.

Senator PURTELL. You have answered my questions.

The CHAIRMAN (presiding). Did he answer the questions?

Senator PURTELL. He answered them very well.

Thank you.

Senator SCHOEPEL. I have no further questions.

The CHAIRMAN. I have no questions.

Senator SCHOEPEL. That statement is very enlightening to me.

The CHAIRMAN. Any questions Congressman?

Mr. SMITH. No, thank you.

Senator PURTELL. I think it was very interesting and to me very important testimony.

Senator SCHOEPEL. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

Mr. GRAVES. We appreciate very much the opportunity to testify before your committee.

The CHAIRMAN. Mr. Bailey. Mr. Bailey represents Johnson & Johnson. We will be glad to hear from you.

**STATEMENT OF HERBERT E. BAILEY, ASSISTANT SECRETARY,
JOHNSON & JOHNSON, NEW BRUNSWICK, N. J.**

Mr. BAILEY. Thank you, sir. I appreciate the opportunity to appear before your committee.

Mr. Chairman and members of the committee, I am Herbert E. Bailey, assistant secretary of Johnson & Johnson, a New Jersey corporation with principal office at 501 George Street, New Brunswick, N. J. I am also secretary or assistant secretary of various subsidiaries of Johnson & Johnson.

Johnson & Johnson and its subsidiaries produce a large variety of products, which might fall within the definition of "textile fiber product" as set forth in section 2 (h) of H. R. 469. Many of these are specifically exempted by section 12 (a) (3), (4), (5), and (8) of the bill.

However, a substantial number of our other items which might fall within the definition of textile fiber product are of such nature that the labeling requirements which would be imposed by H. R. 469, if enacted in present form, would only add cost and legal complications to our business without providing any accompanying protection to the consuming public. The items to which I refer are of three classes:

1. Products which, although not "bandages and surgical dressings" are subject to the labeling requirements of the Federal Food, Drug, and Cosmetic Act—for example; dental rolls; atheltic supporters; suspensories; anklets, wristlets.

2. Disposable products intended for one-time or limited-life use—for example; sanitary napkins, belts, and tampons generally known as catamenial devices; cosmetic cotton squares; disposable diapers; pressure-sensitive adhesive tapes.

3. Miscellaneous semidisposable items such as cleaning cloths, thermoplastic adhesive mending tapes and sheets, and gauze diapers.

It would appear that the principal object of the bill, so far as consumer products are concerned, is to require that advice concerning fiber content be given to a consumer so that he may judge the utility, durability, washability, shrinkage, appearance, and other qualities of an item. However, the nature of our products in the classifications enumerated in the preceding paragraph is such that the consumer is primarily interested in performance, that is, whether the napkin will absorb, the tape stick, and supporter remain elastic, the cleaning cloth catch dust, and so forth.

The matter of fiber content is of little or no interest or importance to such consumer. He is not in the position of the would-be purchaser of a wool, silk, or rayon suit who might well wish to be reliably advised of the constituent fibers, by percentage, of a garment. In addition, the fact that the items in category (1) are already subject to Federal labeling requirements, makes their coverage by H. R. 469 doubly unnecessary.

Johnson & Johnson feels that the public interest does not require that H. R. 469 be enacted with respect to its products or those of its subsidiaries. However, if the bill receives favorable consideration by the Congress, I respectfully suggest that the following amendments be made which will serve to exempt our products listed above for the reasons outlined previously.

1. Revise section 12 (a) (8) to read:

Bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended—

The CHAIRMAN. Right there. Let us discuss that. Just offhand I do not see any real objection to that, particularly where they are covered by the Federal Food and Drug Act. Do you, Congressman?

Mr. SMITH. No, there might be some of those that might be worn continuously. In the first section he mentioned there, the things involved; for instance, types of socks and support, but the others, it would seem to me reasonable enough—

Senator PORTER. Already in the first category you have to label them now, do you not?

Mr. BAILEY. There are labeling requirements, sir, of the Federal Food, Drug, and Cosmetics Act which we must comply with.

Mr. SMITH. Are you required to——

Mr. BAILEY. Yes, sir; they are devices and are covered by the Federal Food, Drug, and Cosmetic Act.

Senator POTTER. What do they require?

Mr. BAILEY. The name of the manufacturer, the active ingredients, the claims, and so on, must be supported by clinical testing evidence, and so forth.

Senator PURTELL. Would that be true for such things as stockings for varicose veins and knee bandages?

Mr. BAILEY. Yes, sir; elastic stockings, wristlets, stockingettes, and that sort of thing.

Senator PURTELL. It contains the name of the manufacturer only?

Mr. BAILEY. The name and address of the manufacturer, and the statement made must receive the approval of the Food and Drug people.

Senator PURTELL. In this connection, because I may want to ask you a question later, I wonder—off the record, Mr. Chairman.

(Discussion off the record.)

The CHAIRMAN. On the record.

Let us proceed now, Mr. Bailey.

Mr. BAILEY. Revise section 12 (a) (11) to read:

Textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, toys, catamenial devices, adhesive tapes and sheets, cleaning cloths, or diapers——

The CHAIRMAN. In other words, you would add those last two lines?

Mr. BAILEY. Yes, sir. The only amendments that I am suggesting in these categories.

Senator SCHOEPEL. In other words, to be excluded?

Mr. BAILEY. Yes, sir.

Senator SCHOEPEL. Let me ask you about luggage and handbags.

Now, to what extent are these fibers used on the luggage or the handbags——

Mr. BAILEY. Sir, those are not our products, these are already in the act. Only the underlined items, sir, are what we are asking for.

Senator SCHOEPEL. I see. That makes a difference.

Mr. BAILEY. I should have explained that. I am sorry.

Senator SCHOEPEL. All right, you have answered my question.

Mr. BAILEY. Thank you, sir.

The CHAIRMAN. Let me ask Congressman Smith this. This brings up a point, too. Why do you exempt luggage or why did the House exempt luggage?

Mr. SMITH. It was exempt because we felt it did not have an important part of the——

The CHAIRMAN. You mean the lining or the luggage itself?

Mr. SMITH. Well, the luggage involved it all. It was thought it might involve some complications as to how to cover it.

The CHAIRMAN. Is it not true when you go down to buy new luggage they will give it some kind of a name?

Senator SCHOEPEL. Airplane luggage and this new lightweight luggage.

The CHAIRMAN. Maybe the du Pont man can tell us. It says it contains this, it is made of this or that, synthetic, is that not correct? When you buy luggage they are made of synthetic fabrics, are they not?

Mr. GRAVES. This is an area outside of mine.

The CHAIRMAN. Generally, is that not correct?

Mr. GRAVES. There are very few textile fibers from the department I represent involved in that end that I represent. You get into coating. I am not qualified to speak on the subject.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

Senator PURTELL. Mr. Chairman, I wondered in the light of the fact that you rather gingerly used the word "synthetic" after I was corrected by Mr. Graves, and I do not blame you, since we are using the word "synthetic" in the bill you differentiate between synthetic and something else which I cannot pronounce.

Now, this is important. We classify, at least I do, without any knowledge other than what I think the average purchaser has, that wool and cotton and silk and so forth, and everything else is synthetic, why did you differentiate, Mr. Graves?

Mr. GRAVES. I think perhaps the Federal Trade Commission could do a better job than I on this point. All my references have been to synthetic fibers. Of course, you can have synthetic anything—synthetic leather, synthetic wood, synthetic many things. My references were entirely to synthetic fibers.

Senator PURTELL. But our discussions were limited to synthetic fibers, too; we were talking about that that results in rugs. There are synthetic fibers used in rugs. You differentiated there. I wondered if it was important to do so. If it is we better think about doing it in the bill when we talk about synthetics.

Do you think we should?

Mr. GRAVES. Would you mind rephrasing your question?

Senator PURTELL. I do not blame you. I had a hard time following it myself. [Laughter.]

Senator PURTELL. We were talking in my discussion with you—it was about rugs and carpets and obviously we were then talking about synthetic fibers and in your reply you seemed to differentiate between Dacron and nylon and other—you used the word. You seem to differentiate between that and synthetic.

Mr. GRAVES. No, sir; those are all manmade fibers. Perhaps it would have been best that I used the term "manmade fibers."

Senator PURTELL. Are we incorrect in using synthetic fibers in our bill? Should we make that manmade?

Mr. GRAVES. Actually the bill does make a reference to manufacture—

Senator PURTELL. Manufactured, all right.

Mr. GRAVES. Perhaps that is an all-embracing word that would involve and include all of the fibers that were involved in our recent discussion.

Senator PURTELL. When we were talking about fibers you did not do that because there was a very definite line that we ought to—a line of demarcation we ought to do that.

Mr. GRAVES. I am sorry. I was enumerating a number of manmade fibers.

Senator PURTELL. I misled myself. I wanted to make sure I was correct.

Thank you, Mr. Chairman.

Senator POTTER. I wonder if we could not ask the witness here, Mr. Chairman, why sheets should be exempt?

Mr. BAILEY. Sir, they are adhesive sheets. In other words, tape this wide [indicating] for example, is called adhesive sheets.

The CHAIRMAN. I wanted to ask something further. I assure you I am not expert on this, but why do you not have disposable diapers instead of just diapers?

Mr. BAILEY. Those are essentially what we are getting at there, sir.

The CHAIRMAN. Because I would think that the average mother would like to know what her diapers are made of.

Senator PURTELL. For putting against the body of a child; yes. Possibly.

Mr. BAILEY. I think there might be some difference——

The CHAIRMAN. You are speaking of disposable things, things used for one time?

Mr. BAILEY. Yes, sir; may I present just a sample of what we are talking about here.

(Handing a box to the chairman.) [Laughter.]

The CHAIRMAN. We are accumulating a lot of things here.

Senator PURTELL. You are presenting that to the chairman, I understand.

Mr. BAILEY. Yes, sir.

Senator SCHOEPPPEL. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

It says here "disposable" and I shall give them to the proper people.

Mr. BAILEY. I think there may be some difference in the necessity for disclosure to the public as between wall-to-wall carpeting or a suit of clothings which a man would wear, and gauze diapers where the women would only be concerned with their absorbability and performance. Not being——

The CHAIRMAN. These are used once and then are thrown away?

Mr. BAILEY. Yes, sir; excellent for train trips.

The CHAIRMAN. All right, we will get down to the next section.

Senator POTTER. This has been a very informative hearing anyway.

Senator PURTELL. I wish I had known these things when my kids were growing up. I did not.

Senator SCHOEPPPEL. I would like to ask about the type of wash-cloths or cleaning cloths. Do you put these in the same category you mentioned about the disposable things?

Mr. BAILEY. They are the semidisposable items, sir. We have a so-called mirror cloth product which is in use for cleaning automobiles or cleaning furniture. It is not a long-term or long-usage product. It is intended to absorb its quota of dirt and then be thrown away.

Senator PURTELL. Such things as these diapers, they are covered by the Drug and Cosmetic Act, are they not?

Mr. BAILEY. No, sir.

Senator PURTELL. They are not, so they could be making them and they might expose a child—I am guessing now—there is no control at all over the contents?

Mr. BAILEY. No, sir; if we say that they are of a certain content then we must adhere to such a statement.

Senator PURTELL. You are not forced to say that they are of a certain content?

Mr. BAILEY. No, sir.

Senator PURTELL. I am thinking about the cleanliness of this article now as against the child's body. You say it is not subject to any of the acts having to do with the Federal Food, Drug, and Cosmetic Act at all or any other act?

Mr. BAILEY. Not as far as I know, sir.

Senator PURTELL. I think it is very important we find out about it.

The CHAIRMAN. It says that these are noiseless. [Laughter.]

Mr. BAILEY. In the first place, sir, we have extraordinary high degree of quality control within our plant.

Senator PURTELL. You do, of course; I know you represent a very fine company. But apparently from what you tell me, and I want to check into it, because this is really important, I think, we would like to find out whether everybody making these can make whatever they want without being subject to some sort of control, as to the type, the quality, the cleanliness, the fibers in it and they are fibers, I would assume. You are not sure that you are not subject to some control.

Mr. BAILEY. It could be a device, sir, and I think it is ascertainable with the FDA. I do not think they are, but we treat them as though they are.

Senator POTTER. I would assume if you had diapers, do they not have diapers that they wash and you use them over and over again? That type of diaper, what is in the diaper—

The CHAIRMAN. These are a pretty naive bunch of fathers around here.

Senator PURTELL. Just uncommunicative about some things.

Senator POTTER. That should make a difference, should it not, and should that not be labeled?

Mr. BAILEY. I think there is little reason for this to be labeled. I think there may be some reason for washable diapers to be labeled. But it does not to me, in my own opinion, seem to be as a suit of clothes, wall-to-wall carpeting or something like that.

That is a nonwoven fiber, sir.

Senator PURTELL. This is where rash starts and all that sort of thing. Openings to the body in it. We are getting quite afield here, Mr. Chairman. I will check into this and find out.

Senator POTTER. Paper, is it not?

Mr. BAILEY. No, sir; that is a nonwoven fabric. Most cloths, as you know, are woven, this is a bonded, nonwoven cloth or fabric and lends itself to disposability or short life for that reason. But it is not paper.

Senator SCHOEPEL. Is that made from a rayon staple?

Mr. BAILEY. I am not certain on that, sir. I should know but I would not want to answer because I am not sure.

Senator POTTER. I do not know whether you make them or not, but do they not still have the, I do not know, wool or cotton or whatever type of diaper that you could wash?

Mr. BAILEY. Yes, sir. As I mentioned to the chairman, our interest in having this amendment—and if the committee thought proper we would go along with it—with disposable diapers, that is what our primary interest is.

The CHAIRMAN. This is off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

Let us drop down to section 3 where you suggest—before we leave that, you would have no objection, I understand, if the word “disposable” were placed in there?

Mr. BAILEY. No, sir; I think we can say some purpose in indicating fabric content of nondisposable content.

The CHAIRMAN. Proceed.

Mr. BAILEY. Yes, sir.

Add a new subsection (12) to section 12 (a) to read:

(12) disposable textile fiber products intended for one-time or limited-life use and not suitable or sold as suitable for washing or dry cleaning.

Senator POTTER. That would take care of this, then?

Mr. BAILEY. Yes, sir.

Senator PURTELL. It would take care of those cloths that you described for cleaning cars and so forth?

Mr. BAILEY. Yes, sir; it would.

Senator PURTELL. Do you also make a like product for machine use in factories to take the place of old wiping cloths?

Mr. BAILEY. Not that I know of, but we have such a miscellany of products that we well could.

Senator PURTELL. Thank you.

The CHAIRMAN. Proceed now with your statement here.

Mr. BAILEY. Section 12 (b) of the act as now written would empower the Federal Trade Commission to exclude from the provisions of the act additional textile fiber products with respect to which disclosure of textile fiber content is not necessary for the protection of the consumer. We feel, however, that as to the Johnson & Johnson items listed above, disclosure of fiber content would be of such academic interest and of such little benefit to consumers that such products should be specifically exempted by the Congress rather than through subsequent administrative action of the Commission.

In addition, exemption by the Congress of the classifications of items, suggested above, would eliminate unnecessary cost and administrative effort incident to seeking exemption of numerous specific products as they are developed or changed within such classifications.

The CHAIRMAN. Now, Mr. Bailey, you, of course, are speaking for your company, Johnson & Johnson, which is one of the large manufacturers. Would you say this would be the position generally of the people generally in this position?

Mr. BAILEY. To be frank with you I have not talked to anyone outside of our company on this subject. I would assume it would be.

The CHAIRMAN. There are other large companies in this business.

Mr. BAILEY. We have not talked to competition, as is obvious, but that certainly strikes me as a common view.

The CHAIRMAN. Well, you have a lot of advertising here today on your diapers.

Mr. BAILEY. Yes, sir; I thank you for it, sir.

The CHAIRMAN. Thank you very much, unless there are some questions.

Senator PURTELL. No, I think it has been very helpful to us.

Mr. BAILEY. Mr. Chairman, could I just—and this is perhaps surplus—this is one other item which bears on this and I think speaks for itself. This is cloth-backed adhesive tape. Because of the cloth backing we might get into the relating of the constituent textiles of that cloth backing that has nothing to do particularly with the consumer satisfaction. It either sticks or it doesn't, in other words.

Senator POTTER. What is on the cloth is important, not the cloth.

Senator PURTELL. Mr. Chairman, Congressman Smith has been through it. I wonder if he had any thoughts on such items as this tape here.

Mr. SMITH. I see no reason why it should be covered. It was the idea of the House committee, I believe, that the section of the bill which now gives the Federal Trade Commission authority to grant exemptions would have been used in these cases. And we are thinking, but if the committee over here decides to do that, as long as some protection is put in in regard to these diapers, nondisposable diapers, I do not see or think it would matter in any of the other items.

Senator PURTELL. Thank you.

I do not have any questions.

The CHAIRMAN. All right. Thank you, Mr. Bailey.

Mr. BAILEY. Thank you, sir.

The CHAIRMAN. Now, Mr. Labarthe, National Retail Merchants Association.

Mr. Labarthe, let me ask you this. There appeared here yesterday a representative of—what organization is that?—the Retail—

Mr. LABARTHE. American Retail Federation.

The CHAIRMAN. What is the difference so the committee will understand?

Mr. LABARTHE. They are two different organizations, sir. The American Retail Federation includes more of the smaller stores than does the Retail Merchants Association. This used to be the National Retail Dry Goods Association, and just a month ago changed its name.

The CHAIRMAN. All right.

STATEMENT OF JULES LABARTHE, CHAIRMAN OF THE TECHNICAL COMMITTEE OF THE NATIONAL RETAIL MERCHANTS ASSOCIATION

Mr. LABARTHE. My name is Jules Labarthe. For 27 years I have served as the head of the research and product evaluation laboratory supported at Mellon Institute, Pittsburgh, Pa., by the Kaufmann Department Store of that city. At present I am professor of textile technology at Carnegie Institute of Technology in Pittsburgh and a consultant for the store mentioned above.

I am happy to appear today as chairman of the technical committee of the National Retail Merchants Association. NRMA is a voluntary trade association of more than 10,000 department, specialty, and chainstores doing an annual volume of more than \$17.5 billion.

As retailers we have an interest and concern in the subject of these hearings. Legislation requiring the true identification or representation of the fiber content of fabrics and garments is of interest to the consumer, our customer.

Our association drafted and had introduced legislation that we felt was in the interest of the consumer and hence of the retailer. Senator Barry Goldwater introduced our bill in the Senate. And Representative Mack in the House.

Last year the House passed H. R. 469, which is now before your committee. We have grave doubts about the adequacy of this bill to meet the requirements and desires of the consumer. We feel that if this legislation is passed it will present serious problems to the retailer and the manufacturer, and may fall short of giving the consumer the information she needs.

Let me say at the outset that the legislation we introduced has one purpose, to serve the needs of the consumer. I am afraid that the parties that caused H. R. 469 to be introduced had additional interests.

The purpose of the legislation—H. R. 469—as set forth in the House committee report indicates that the basic purpose of the legislation is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising. However, the report then goes on to set forth corollary objectives. These objectives we do not believe are in the best interests of the consumer.

For instance, the report states that the bill would be—

to help the American farmer whose fiber product must compete with deceptively labeled and advertised synthetics which are lower priced and often of inferior quality compared with the natural fiber products * * *

Then further—

* * * to protect the producers of quality synthetics against those producers of textiles who advertise their products deceptively.

Fiber identification is a most important area in which to legislate. I sincerely hope that the Congress will not confuse fiber identification with fiber or product promotion. Retailers do not believe that the Congress should pass any legislation with a view toward promoting one fiber or another in the market place. That is the responsibility of the producers, not the Congress.

The House report speaks strongly of inferior synthetics. In my opinion synthetic fibers serve a very real and valuable purpose in the production of fabrics for the American consumer. To say that they are inferior is most unfair. It is likewise inaccurate to state that synthetics are improperly labeled today. Under the Federal Trade Commission certain rules have been established for the proper identification of rayon and acetate, as well as silk, linen, and other fibers.

The legislation we caused to be introduced would have placed all fibers under uniform labeling rules. Today we have 1 law, the Wool Products Labeling Act; 3 FTC Trade Practice Conference Rules for fibers; 5 Trade Practice Conference Rules for yarns and certain fabrics; 4 FTC Trade Practice Conference Rules for apparel items; and 2 FTC Trade Practice Conference Rules for the textile-processing industries.

The retailer is searching for simplicity. We cannot hope to solve the problems we now face by adding to the burden of rules, regulations, and laws in the area of fibers and fabrics.

I appreciate the fact that the members of this august body have a grave responsibility in striving to solve this problem. But let me plead with you on behalf of the retailer not to complicate further an

already complex situation. I hope you will not pass legislation that has for its purpose the aiding of one particular fiber. We sell all fibers in our stores. We sell also fabrics made up of any combination of blends of natural and synthetic fibers. We who serve the consuming public have a great responsibility in providing them with the goods they want to buy, and we further have the responsibility of guaranteeing that the items we sell will give satisfactory service.

Specifically addressing myself to H. R. 469, I would like to make the following comments:

Section 3 (d) (5) exempts from the misbranding and false advertising provisions:

* * * any textile fiber product until such product has been produced in the form intended for sale or delivery to or for use by the ultimate consumers * * *

The phrase "in the form intended for sale" means to me that the responsibility for labeling the completed product would rest with the retailer. Obviously, the thousands and thousands of retailers in this country could not possibly determine the fiber content of a fabric. This responsibility must rest with the manufacturer, not the retailer.

Section 4 (e) provides that labeling requirements shall not be extended to textile fiber products contained in the package if "such textile fiber products are intended for sale to the ultimate consumer in such package." Section 5 (c), in effect, requires the retailer to label each article with the required information in instances in which such article is broken from an original package for purposes of sale.

We had a bad example which was somewhat streamlined and, as such, did not present the whole picture. Rather than elaborate on that particular point, let me take another instance.

Suppose a woman were to go down to the store or be going downtown, and she would have a snag in her stockings. She would go into the nearest store, buy another stocking—another pair. These ordinarily are boxed three pairs to a box, are often sold as multiple units. Under this law, when the retailer splits the box, he would have to label the stocking in accordance with this law, just as the label appeared on the box. And the two pairs that the customer did not buy would have to be labeled and the retailer would have to keep a record of transfer of labels for a period of 3 years.

The CHAIRMAN. I see by Congressman Smith's demeanor he would like to interpret that section of the law right now.

Mr. SMITH. I think that is an outright misinterpretation of the bill as are several other points in this statement. I notice one has been stricken out because, apparently, it was realized that it was an outright misinterpretation.

Mr. LABARTHE. That was—it is an oversimplification.

Mr. SMITH. There will be no such requirement at all.

The CHAIRMAN. It is your opinion under the House bill that this illustration he gave would not be included at all?

Mr. SMITH. That is right.

The CHAIRMAN. All right.

Mr. LABARTHE. Section 4 (c) would extend the requirement of fiber identification not only to the labeling of the product but also to all written advertising of the product as well. It would be mandatory to include in such advertisement, or other means of promoting the sale of the product, information similar to that contained on the label.

Picture if you will a promotion of dresses or of other garments that are made of a blending of natural and man-made fibers. As much space or perhaps more would be required to detail the mass of information relative to the fiber content of each product as is used for all other purposes. Such a practice may in effect be a disservice to the consumer, by virtue of the fact that such a great amount of space would be required to set forth in percentages the fiber content of the fabric from which the garment was made that other information of importance to the consumer would have to be eliminated. We believe that a garment labeled properly gives the consumer adequate protection, but that if all of the information on the label must be contained in each advertisement the situation that would prevail would be chaotic.

Senator POTTER. May I ask a question before you go on?

Mr. LABARTHE. Yes, sir.

Senator POTTER. How would you meet the arguments that have been made here in testimony about somebody advertising a nylon dress or whatever it might be and it was only 10 percent nylon or 5 percent. Is that covered by other means?

Mr. LABARTHE. The point that I wanted to make there, sir, was that it would not be an advertisement of, let's say, one dress, but we are more envisioning catalog selling or the use of a full page advertisement for a large storewide or departmentwide promotion in which we would have many garments displayed in the advertisement. I would consider the fact that—I mean I would hope that might be appropriate to indicate clearly in the advertisement that this page and the garments displayed thereon represented a multiplicity of blends and of combinations. Call attention to the fact that each garment is properly labeled in the store rather than having a box for the fiber disclosure of each and every dress, there might be a dozen different combinations in a given situation.

Mr. SMITH. That could be done in the bill.

Senator POTTER. As I understand the bill, it could be done now. I think what this gets at is really false advertising where you advertise an article as one thing and in reality it is primarily something else.

Mr. LABARTHE. I would not, for one moment, hope that any law would be passed which would not prevent the sale and advertising of a couple of those examples that the du Pont people showed. There were some horrible examples there. But we are thinking, sir, more from the standpoint of larger advertisements in which we have a multiplicity of combinations given on the same page.

Senator PURTELL. But you would not want to be a party, nor would your people that are employing you in an advisory capacity, to misleading the public; would you?

Mr. LABARTHE. No, sir.

Senator PURTELL. Would you not likely mislead them unless you did reveal what was intended to be sold and what it was made of?

Mr. LABARTHE. We regard it, sir, as being impractical to have the full fiber disclosure made necessary under each and every dress on the page. And I would rather—

Senator PURTELL. May I direct you to the ads of furriers in which they say fur coats for sale, and then they list all the different furs that are available and they show them there. Would it be different in

advertising your dresses in which you say these are Dacron and wool, or 65 percent Dacron or 30 percent, whatever you want. They do it in furriers, they do not have any trouble there; do they? Are you not sort of building up a situation that may not exist?

Mr. LABARTHE. It is a situation that unless the wording is definitely tightened might conceivably exist and we are pointing out that those are possible misinterpretations. We would like to have it tied up tighter so that these interpretations will be clarified.

Senator PURTELL. Have you suggested how you want those tightened up?

Mr. LABARTHE. We can do so, sir. We have not in this testimony.

Senator PURTELL. Well, Mr. Chairman, if there are any suggestions for the improvement of the bill, I am sure the Chairman would say on behalf of the committee we would like to welcome them. I don't get your point, frankly.

The CHAIRMAN. Well, if you have any specific amendments, we would be glad to entertain them.

Mr. LABARTHE. We will be glad to present them, sir.

Section 4 (b) (4) requires that imported textile fiber products contain the name of the country where processed or manufactured. Presently, the Tariff Act requires that finished products, such as shirts, sheets, and towels, be identified as to the country of origin. This section of H. R. 469 would extend the labeling to textile fiber products which have been processed or manufactured so as to embrace products which have been manufactured of imported fabrics in this country.

We would seriously question such extension of the Tariff Act provisions with regard to labeling. How this could be enforced is a real question. Today fabrics are purchased from many sources; how the information as to country of origin could be carried through all of the processes we do not know. Further, we would question what value such information would be to the consumer, and the place of such information in a fiber identification law.

Frankly, H. R. 469 does not, in our opinion, accomplish the principle that motivated NRMA in originally recommending fiber identification legislation. H. R. 469 must be considered as a product promotion bill, not a consumer information bill.

The interests of the consumer, the retailer, and the manufacturer would be better represented if this committee were to call a conference of all those parties interested in fiber identification legislation and to draft a bill that would initially protect the consumer, give her information that would benefit her in buying and handling fabrics made of a single or several fibers. I can assure you that I would be happy to participate in such a conference.

Senator POTTER. Could I ask a question, Mr. Chairman?

The CHAIRMAN. Yes, sir.

Senator POTTER. In what way does this bill differ from the bill that you folks recommended, the one that Congressman Mack in the House and Senator Goldwater in the Senate introduced?

Mr. LABARTHE. The primary difference, sir, was that we were trying to simplify or streamline. We were endeavoring to have one piece of legislation, and we had recommended that the Wool Products Label Act be made a part of this or our law.

Mr. SMITH. If I may interrupt, you recommended that the Wool and Labeling Act be repealed. That was part of that bill.

Mr. LABARTHE. But that its essential parts be made a part of any existing law. The existing law would cover all fibers.

The other point of difference was, and this has been mentioned today, that our proposed bill listed the fibers in the order of their predominance.

Senator POTTER. What is your objection to listing the percentage?

Mr. LABARTHE. I have no objection whatever to listing the percentage. It is much the better way to assert extent, sir, and this is perhaps a little background material. Originally, we wanted percentages. We felt that in a sense it would impart additional burdens on some elements of the textile industry and for that reason we made a change. We were hoping that more manufacturers would use the percentages, but we felt that the order of predominance would probably have a better chance of passing, and there was one point, however, and it was a point I think that the Du Pont representatives brought out, and that was that the percentages are not always the same, depending a little bit on the construction of the fabric and part of our testimony then was to the effect that if percentages were the sole factor, that it would introduce a battle of trivia sometimes between 55 percent and 60 percent of the more desirable fiber. But percentages are the better thing for the consumer.

The CHAIRMAN. Any further questions?

Senator PURTELL. Yes, I would like to ask a question. You said that you decided to abandon the idea of percentages because you felt it would be a burden on part of the textile industry.

Mr. LABARTHE. There were certain—there were two or three of the textile groups who came out very bitterly against the idea of percentages in some of our initial roundtable discussions, and their feeling was so intense we felt—well, we already have in some of our labeling provisions the order of predominance principle pretty well established, and we decided that that probably would be a thing to follow.

Senator PURTELL. Well, now, Mr. Labarthe, they may have been very, very much incensed over the proposal, and from their feelings, but I am more interested in facts.

What was it that they objected to; what unbearable burden would it impose upon the industry?

Mr. LABARTHE. The two or three representatives felt that they could not be faced with the labor of producing as many different labels as percentage disclosure would involve; that their problems would be much simplified if when they went to anything above 50 percent of fiber "A" if they group all those labels together.

Senator PURTELL. Well, now, Mr. Labarthe, when we sell shirts, and we sell lots of other stuff, if you will buy 50 or 25 dozen, they will put your own label on for you. You know that; the producer will. They will put the city in which you are located, the name of the store. They will do a lot of things.

Now, that doesn't put an unbearable burden on them, the producer of the finished article, does it? Why would this then put an unbearable burden on them?

Mr. LABARTHE. To a certain extent we must realize that not all retail establishments can order in such quantities.

Senator PURTELL. That is right.

Mr. LABARTHE. And to an extent we were guided by the problem of the very small retailer in the very small community.

Senator PURTELL. What I was trying to point out was that if a manufacturer will do this supplying hundreds of thousands of different labels on shirts and other articles, and I am sure they do it on dresses, then what would make it so awful difficult for a manufacturer putting out the same product all over to just put the label on of the content of that particular cloth? I just can't see it, Mr. Labarthe. I think that they may not want to do it and possibly will have evidence to show that it would be economically unfeasible or something like that. But just not wanting to do it is no reason at all.

Mr. LABARTHE. Well, part of the reasoning, of course, was that we were anxious to get, first of all, we wanted fabrication labeling, and we felt that if we took that stumbling block that faced some of the producers, that we would gain additional industry support in the whole problem of informative labeling.

Senator PURTELL. My observation, Mr. Chairman, is this. That the evidence this afternoon, and I am sorry that I had not been here earlier nor heard the previous day's testimony—but it would clearly indicate to me, at this moment, I don't know that this is a firm opinion, that the percentage of the synthetic fibers pretty much determine whether or not the promises of the producer can be lived up to. In other words, if you have got less than 65 or 50 percent or whatever it might be of dacron or whatever the synthetic is that eliminates the need for ironing; if you don't have that percentage, you are not going to have a dress or a shirt that can look well without ironing.

Now, the public, however, believing that orlon or dacron or whatever it is that imparts this new property is present in this thing, will buy the shirt and wear it without the need for ironing, unless, unless they know, and they are sure of, that something with 50 or 60 or 40, whatever it is, percentage will actually give them that property. I don't know. I buy a shirt. I bought some shirts when I was traveling over to Russia—before I went to Russia, and I knew I had to do my own laundry. At least, I felt I did, and it turned out I did. I bought these shirts that you could hang up without having to iron. Why did I buy them? I did not know whether they were 65, 50 or 40. I got stuck on one. I did. It did not look too well. Two other ones they did look good. They had enough of that fiber in it so they did look well without ironing.

What I am trying to point out now if I had known then that I had to have 65 percent, or whatever it is, of dacron or orlon, I would probably have looked better to the Russians.

Mr. LABARTHE. Senator, I would like to call your attention to this. With the percentage requirements of 469, we have absolutely no quarrel. I agree with it 100 percent.

Senator PURTELL. For the percentage.

Mr. LABARTHE. Upon percentage disclosure; yes, sir. It did vary from our bill. It was in my humble opinion improvement over our bill as the two stood side by side.

Senator PURTELL. All right.

Senator POTTER. From your statement, however, apparently you oppose the bill as it now is?

Mr. LABARTHE. We oppose it on those three or four points where we feel that there is an undue burden and unfair responsibility implicit on the retailer to label.

Senator POTTER. Now, let me ask this question of counsel or Congressman Smith—I am not as familiar with this legislation as you gentlemen—Is it my understanding that the burden falls upon the retailer?

Mr. SMITH. The bill specifically provides that the manufacturer has got to provide the labeling. The only way in which the retailer would have to provide a label would be if he broke or changed the product from a form in which the manufacturer sent it to him to do the selling.

That is a very obscure possibility.

Senator POTTER. Then, the example——

Mr. SMITH. The example about the stocking is wrong, because the individual stockings in a box contain the label, not only those on the box, but the individual stockings.

Senator POTTER. So, then, the objection that has been raised there does not hold up as far as the interpretation of the bill is concerned?

Mr. SMITH. That is right. If a store got a certain article, sheets or something like that, in boxes, and decided to sell them in some other fashion, take them entirely out of the boxes, towels, or something in boxes of three's and sell them individually if they had no label.

Now, a lot of them have labels even within those boxes, but just assuming they had no labels in those boxes, they would then have to put something on it. But that is not common practice to have no label within the boxes.

Mr. LABARTHE. Congressman Smith, in the case of multipack products, the law, H. R. 469, as I recall, states that if the label information is on the box, it is not necessary to label the individual items within the box.

Mr. SMITH. That is right.

Mr. LABARTHE. Now, if that box of stockings were broken and one pair were purchased, there would be no label on that stocking.

Mr. SMITH. If you will check, you know more about—supposedly know more about—stores than I do, but from my knowledge of stores and stockings' sales, they put labels on individual pairs of stockings.

Mr. LABARTHE. Take men's shorts or men's undershirts or T-shirts.

Mr. SMITH. They put labels individually on them.

Mr. LABARTHE. Not fiber identification.

The CHAIRMAN. Let us not get into a discussion here.

Mr. LABARTHE. That is the point, sir. It is a broken package problem.

Senator PURTELL. Mr. Chairman, were it the law, would not the retailers, small and large, insist that supplier comply with the law before they sold them the stuff?

Senator POTTER. Do they not have the stockings marked or something?

Mr. LABARTHE. That would be perfectly acceptable to us. But according to H. R. 469, it is not necessary that the individual items in the multipack bear a label. Fine, if they are labeled, that is wonderful. Our objection goes out the window immediately. That objection.

Senator POTTER. How does a woman today—they have certain gages on hose—now, are not the individual pairs of hose labeled according to gage size?

Mr. LABARTHE. Yes; but they are not identified as to fiber. Of course, most of them are nylon.

Senator POTTER. How are the gage size marked on a pair of hose?

Mr. LABARTHE. They are on the hose.

Senator POTTER. Why could you not put on the hose the fiber?

Mr. LABARTHE. We could have. If they are labeled, that is perfectly all right, sir.

Senator POTTER. You put the gage on and you put the fiber, it would seem to me.

Senator PURTELL. Your objection is you feel it imposes upon a retailer a duty that will not be performed by a producer; is that correct?

Mr. LABARTHE. The point is, sir, at the present time as this law reads now, in the case of these multipacks, it is not necessary—not necessary to label the individual ones as to fiber identity. If they were labeled, that is fine. That objection immediately disappears.

Senator PURTELL. You feel it is not necessary for the producer to label them, but if the retailer takes one out and sells them, he must label it under the law?

Mr. LABARTHE. He must label it under the law.

Senator POTTER. But even if you are correct with this, I would assume that the manufacturer would soon put something on the stockings there that this is cotton or wool or barley, whatever it might be.

Mr. LABARTHE. If they are labeled as to fiber identity, that objection no longer stands, sir.

Senator POTTER. Our competitor will do it and they will make the sales.

The CHAIRMAN. Thank you, very much, Mr. Labarthe, and we appreciate it.

Senator PURTELL. I hope you do not think we have been taking you over the hurdles, but you were the first witness that appeared that had some ideas about what the retailer was up against, and I was trying to explore my own questions.

Mr. LABARTHE. If we can clarify it any further, we will be glad to do it. Thank you, very much.

The CHAIRMAN. Mr. McKelvey.

Is Mr. McKelvey here, because we are going to have to close these hearings now in 15 minutes unless there are some further questions?

I wonder, Mr. McKelvey, if you could put your whole statement in the record in full and highlight it?

Mr. MCKELVEY. That is exactly what I am prepared to do, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. MCKELVEY. I have it boiled down to where I think in 10 minutes I will be able to conclude it. I believe you said that the full statement will be in the record?

The CHAIRMAN. Yes.

STATEMENT OF W. GORDON McKELVEY, EXECUTIVE VICE PRESIDENT OF THE SOUTHERN GARMENT MANUFACTURERS ASSOCIATION, INC., NASHVILLE, TENN.

Mr. McKELVEY. Mr. Chairman and members of the committee: My name is W. Gordon McKelvey. I am executive vice president of the Southern Garment Manufacturers Association, Inc., office and home address in Nashville, Tenn. The Southern Garment Manufacturers Association is a trade organization of apparel manufacturers and consists of approximately 600 members operating 1,500 plants, manufacturing items of apparel from cotton, synthetic, some wool fabrics and fabrics containing mixtures of such fibers. The membership of this organization is located in the Southeastern, Southwestern, and in some of the Far Western States. We are here at the request of the board of directors of the association and the privilege of summarizing our views on this legislation is appreciated.

Having previously outlined our objections to this legislation, in a letter to the chairman of the committee, under date of February 12, 1958, this statement will be a brief summary of arguments in support of that position.

If permitted to do so, we should like to associate ourselves with and in support of the positions of opposition to the bill as have been registered with the committee, particularly by the witness for Dan River Mills, Inc., and Mr. Bachenheimer, representing, among other, other trade associations, whom we understand have already presented their views.

Without intending to be repetitious, and largely for the sake of emphasis, our position, in the main, may be summarized as follows:

1. What is the real demand for such legislation? Is the evidence placed before the committee by the proponents of the legislation of such scope and value as to convince the committee that there is, or about to be, widespread injury of the consumer, that there has been misrepresentation and deception of such magnitude, or that this is about to occur, as to justify the Congress enacting legislation, with the penalties and annoyances this bill imposes? We pose that question for the reason that we called upon the principal proponents of the legislation to come forward with such proof and we were astonished to have them show that in all of the hundreds of thousands and possibly even greater figures of transactions that occur in the sale of articles each day which the proponents represent as being deceptively represented to the consumer, they produced a mere handful of such examples.

On inquiry of officials of the Federal Trade Commission, it was learned that no survey had been made by it resulting in extensive proof of the consumer being deceived as to fiber content of the garments he or she purchases or other content of end-use products made from the fabrics in question.

Consequently, we are left to wonder as to the motives which have prompted the introduction of such legislation, having found that neither the proponents thereof nor the Federal Trade Commission have established there exists that type of consumer demand for it which, in our opinion, justifies its enactment with attendant penalties upon the producers of the end-use consumer product and the additional

Government regulations and more regimentation of that sort which are burdens the manufacturer of the end-use product must assume, pay the expense thereof, and hope he will be successful in getting the consumer to pay the higher price for the product which the additional costs will require and if he can't get the additional increased price, find some way to absorb this, more cost, and shrink his profits, if any, a little more.

2. It is submitted that the proposed bill falls far short of the accomplishments the proponents claim for it. It requires that the end-use product manufacturer, in our case, the manufacturer of garments bought and worn by the wage-earning worker classes and such groups as farmers and low-wage service employees, in that in the main, it requires that another label, one more tag or sticker, be tacked onto the garment to state, by percentage figures, the amount of cotton, rayon, wool, or whatever else there may be in the fabric, which they say will tell the consumer the percentages of fibers in the fabric, in the garment. The bill also provides that this information may be incorporated in or on an existing label, tag, or sticker.

First, as is no doubt known to the members of the committee, there are already so many tags, stickers, and labels on a shirt or pair of trousers or ladies' dress that sometimes to pick one up and shake it sounds like a baby's rattle instead of a garment costing \$3 or \$4 or \$5. Of course, we hasten to say, it is provided that if the producer elects to do so he does not have to avail himself of this method of revealing the fiber content, but may do so by special procedures arranged by the Federal Trade Commission.

However, the point we wish to emphasize is, and this may have already been brought out before the committee, this bill gives the consumer but little additional information as to whether he has been deceived in the purchase. To merely tell the purchaser of a shirt or pair of trousers or ladies' dress that he or she has a garment, the fabric of which consists of 20 percent cotton, 60 percent rayon, and 20 percent wool, is not of much help. If we are really going to take care of the consumer he or she ought to be told, in return for the money paid, what can be expected in the way of performance of that garment because of the type of fabric, of which it consists; he ought to be told something about the construction of the fabric, how and whether or not it will launder without fading, or the extent of its color fastness under certain washing conditions; he ought to be told about shrinkage and such other information as the producers have which will be helpful to the consumer.

We have understood that the Federal Trade Commission has always taken the position that truth-in-fabrics legislation is desirable. If there is adequate consumer demand for it, we would endorse the principle of such legislation. H. R. 469 falls far short of truth-in-fabrics legislation.

The attention of the committee is directed also to the requirement in section 4 (a) providing that compliance with this act requires that there be a stamp, tag, or label affixed to the product. If this means that a small piece of paper in the form of a stamp which has imprinted thereon the fiber content, and this stamp is merely stuck on the product somewhere, or if it means a tag that is similarly affixed to the product, it is obvious that there will be numerous instances when such stamp or

tag will be knocked or brushed off the garment or other product in the course of the great amount of handling to which such product is subjected before it is ready for the eyes of the ultimate consumer.

3. It has been insisted that this legislation would tend to create competitive disadvantages as between the producers of the same article. Convincing illustrations have been advanced to show that with two items of the same relative description and value, sold for the same consumer purpose, on the counters of the store, they are of the same or relatively same fiber content, and this is either shown on a label, stamp, or tag or indicated by the seller, one is the product of a manufacturer who advertises extensively and thus has a higher cost than the lower-priced competitive article which may be on the same counter.

Both items will carry "the Government label," sometimes erroneously believed to be a warranty of super value and assurance, and the purchaser, looking at both articles carrying the same "Government label" with the same fiber percentages indicated thereon or otherwise explained by the clerk, naturally elects to purchase the cheaper priced article, although in so doing the purchaser may be losing a bargain. In this manner it has been insisted that the lower priced article would tend to receive a competitive advantage. In this same connection, it has also been pointed out that this legislation would pave the way for cheapening of the fabric. We do not make the statement of ourselves because we would not impute to the fabric manufacturers a motive of deliberately taking advantage under this bill to foist on the public a cheaper article, although it might be legal to do so under this bill, but it has been pointed out that it would be a simple matter for the mills to lower their construction standards of the fabric, still have in the fabric the percentages of the fibers, and while there would be no deception in the representations made to the consumer as to the fiber content, the consumer would be getting an item of much less value as to performance, as was alluded to earlier in this statement.

4. We are left to wonder as to why certain end-use product manufacturers have been exempted in the bill thus far. We are not taking the time of the committee by enumerating these here, they being in the bill. We only say that if the consumer is to be protected in the manner the bill purports to protect him, he should be protected every time he makes a purchase of some product containing all cotton, all synthetic, or all-wool fiber, or any combination of these fibers. As what I hope is an average consumer, if the cottongrowers, whom we understand are asking for this legislation, want to prevent my being deceived when I purchase some article containing cotton, rayon, wool, or mixtures of these, I should be told how much cotton or other fiber there is in the cloth used in the manufacture of furniture or upholstery, I should know how much of these fibers is contained in the linings or interlinings of coats or other garments, I should know how much of these fibers is in stiffenings or trimmings, and it seems to me in an item such as floor coverings, or carpets, of all the items I could think of where the consumer could be cheated, it is in these beautiful rugs and carpets that are so beautifully decorated and finished, that a consumer wants to buy them without too much worry about from what fibers they are made, and take the item of shoes that has been exempted. Again, I can think of no item about which the consumer should not be told as to the fiber content in the fabric of

shoes and the same is true about headwear, when you think of the many different kinds of hats and caps for men and women, which are subject to shrinkage and color fading, and wearability, and lastly, it seems that this is equally applicable to so important an item as luggage, in the production of which there is a large amount of fabric used.

Again it is emphasized that if the proponents of this legislation want to protect the consumer, he ought to be protected as to all of the items which he must buy containing fibers and not just a few of them. It would seem that the consumers of the items that have been exempted would have a just complaint on realizing that the Congress, by legislation, has protected them, and left the consumers of linings, interlinings, furniture, shoes, carpets, luggage, headwear, and so forth, to not be told as to the fiber content of these items.

5. Lastly, we come to a situation that is of grave importance to the textile and apparel industries in the United States. I refer to the ever-increasing volume of competitive imports, made in foreign countries at unbelievably low wages, being shipped into our markets at practically no tariff cost, the effect of which has, for the past 2 or 3 years, continued to gradually deteriorate the price structure of these industries. Other witnesses for the textile industry proper, no doubt, have informed the committee of the extent of this damage to the textile, or the spinning and weaving industry. As to the garment or apparel industry, these manufacturers, beginning with about the last half of 1957, experienced one of their worst years, profit and sales wise. For the most part during the last half of 1957, and thus far in the first quarter of 1958, many of the plants have been closed for periods of as much as 2 weeks or more and many have been operating on short workweeks, 2 and 3 days per week. Thus far, we have yet to find one of these manufacturers who attributes his depressed conditions today to the competition of low-wage, foreign-made goods, but in practically every instance the manufacturer always insists that such competition is one of the factors requiring him to close his plant at intervals and to work short weeks with consequent unemployment.

The bill before the committee, section 4 (b) (4) would not improve the present requirements on labeling foreign-made competitive items. If the bill were to be enacted with section 4 (b) (4) as presently worded, in our opinion, we would have a situation where the cotton textile manufacturers in Japan, Hong Kong or some other foreign country, would, as is being done at present, buy the same cotton produced in the United States at 7 cents per pound less than the American mill can buy it, produce the cloth therefrom and the garment manufacturer in Japan or Hong Kong or some other foreign country take the cloth and produce the finished garments, all at wages of one-tenth or less of the industrial wages being paid in American textile and garment plants, if our information on the wage costs in such foreign countries is correct. Thus, these foreign-made competitive items, produced with the costs as explained, would be permitted to come into this country in great quantities, as at present, without information thereon for the protection of the consumer. In the event that is permitted, then we will certainly have a discouraging situation.

Those advocating the enactment of this bill recently requested this

association to submit amendatory language to be substituted for section 4 (b) (4) and in lieu of the language in section 4 (b) (4) this association suggested the following:

If it is an imported household textile article, the name of the country or countries where the fabric was manufactured, or subjected to any processing or finishing operations, together with the name of the country where the end-use product made from such fabric was manufactured; or, if it is an imported fabric or household textile article manufactured in the United States in whole or in part from such imported fabric, the name of the country or countries where such imported fabric was manufactured, or subjected to any processing or finishing operations.

It is submitted that if there must be legislation of this type, and we hope there will not be, surely Congress will require that the consumer be given adequate information as to any item containing cotton, synthetics, wool, and mixtures of these fibers in the fabric of the end-use product. It is recognized that the language suggested may appear to be somewhat detailed. The reason for such phraseology, which was carefully worked out, is that we have discovered that cloth is being manufactured in the unfinished state in one foreign country, it is shipped to a second foreign country for certain finishing and sometimes, possibly, to a third foreign country for other finishing, and to even another foreign country for manufacture into the finished product and that product is being shipped to our markets. It is thought that this phraseology is required to inform the purchaser of such foreign-made competitive item the name of the country where any part of the item was manufactured, and would be able to tell the purchaser, when the finished article is made of foreign produced cloth, although the finished garment may have been made in the United States.

For the record, it should be mentioned that it was stated to advocates of the legislation that in submitting the above suggested phraseology on the import provision, it was done at their insistence at which time it was made clear that in so doing, this must not be taken to mean that the association altered its position in any wise in opposition to H. R. 469.

In conclusion, we would like to mention that no doubt the committee has been hearing from other witnesses and other groups, namely, it is not believed this legislation will be of much, if any, protection or assistance to the consumer; it will amount to more costs on the producer of the item, therefore more cost to the consumer, inasmuch as the manufacturers will be required to go to more expense to comply with regulations necessary to enforce this act and would amount to industry coming in and asking the Government for more regulation and redtape regimentation. It is also submitted, that at a time when our industries are in a depressed state, in a buyers' market, the economy, generally, believed to be not as strong, and at a time when, with all this, these industries are asked to sacrifice a substantial part of its market to aid our Government in carrying out the policy of furnishing markets to foreign countries under the Reciprocal Trade Agreement Act, that it is a serious mistake for one segment of our industry to come in and ask for legislation of this type which, it is submitted, will not accomplish the intended purposes, but will create harassment, annoyance, and expense on the part of those industries, as the one we speak for.

The late Percy Priest, distinguished in his service to the country in the House of Representatives, while chairman of the House Interstate and Foreign Commerce Committee, stated that this bill is what he called economic-force legislation, and that the Congress ought not to be asked to pass legislation to benefit one industry or group of producers at the expense and harassment of another, and particularly when such legislation will be of little, if any, benefit to the consumer.

We respectfully urge, therefore, that this committee reject H. R. 469.

Our industry is in what we call a tight buyer's market and has been for more than a year. Many of our plants have, during that period of time, been closed for substantial periods of time. Many of them have operated and are operating today on a curtailed basis. And one contributing factor to that is the competition from foreign-made goods to which I want to allude a little more later.

Mr. Chairman, and Senators, we have found and know what we can feel, what we believe to be any real consumer demand for this legislation. We asked the proponents or the people whom we understood wanted the legislation introduced for the proof that they might have along that line. They had only a few isolated instances out of the many hundreds of thousands, I suppose many hundreds of thousands, of transactions in this type of merchandise through the country each day. They had a few isolated instances where some deception and misrepresentation, they said, had been practiced, and no doubt that was true.

We asked the Federal Trade Commission if they had made a survey or other form of determination as to whether there was any real or large consumer demand as a result of the consumer being abused or injured by the kind of deception and misrepresentation which we understand this bill goes to. The Federal Trade Commission said they had no such data.

We have been able to make only a small check among a representative group of our members whether or not they have had any complaints about the garments they sold consisting of fabric in which there had been deceit and misrepresentation practiced against the consumer, and we find no instance of that kind among the members whom we have checked with in recent years.

We agree with other witnesses who have testified that this bill also affords the consumer little real information as to what he is buying.

It does not tell the consumer, as the Senator brought out a little while ago, the construction of the garment, the durability of it, what its performance will be as to color fastness, as to launderability under many different kinds of conditions and soaps and detergents that are used today in laundry.

We don't think it is a truth in fabrics bill. It is a bill that gives certain information with respect to fiber content, but we would like to feel if we are going to have a bill of this kind with its annoyance and cost of administering on the part of the manufacturer to comply with it, we ought to go all the way and tell the consumer as much as we possibly can and tell him all we know as to the performance of the fabric in that garment.

With respect to these garments that are boxed, we think that is a highly unfair situation. Now, we have many members that tell me that they ship shirts. Sometimes, 6 in a box, sometimes 3 in a box. They even ship overalls today—I understand for many years—in bales, and certain types of cotton coats and certain types of work shirts are even shipped in bales.

It is a question of whether or not the Federal Trade Commission might say that we could just label the bale, and obviously the wrapping is torn away when it reaches the merchant's store, so there would be nothing to tell the consumer what was on those garments. If it is shipped in a box, he will have to look under the counter or in the stockroom and find out what the box said.

Mr. Chairman, in discussing our best understanding of the bill with certain manufacturers there are some things which have been pointed out which we don't know will happen, but at least we offer the committee the benefit of it the best we can. And that is that this bill would tend to create a competitive disadvantage where, as one example, if 2 shirts or 2 towels made by different makers are on the counter, both the same fiber content, one is higher priced because it is more extensively advertised, both carrying the same "Government label," the consumer will be misled or can be easily misled by the label and will naturally buy the cheaper article.

Many times the consumer erroneously believes that an article carrying a "Government label" means the article is of top value. Sometimes, I understand generally, the highly advertised product of cloth has a higher count, stronger construction, well, altogether high quality merchandise because of what has gone into the making of it, whereas the not so extensively advertised product may be merchandise of inferior quality.

Mr. Chairman, we protest any exemptions. We can't understand why our industry and the segment represented by our association employing some 200,000 people, why we should be required to tell the consumer what we know about the fabric and the cloth and so forth and other industries not be required to tell the consumer the story as to their product.

We don't understand why, for instance, carpets and rugs, why upholstery and furniture—and you brought up about luggage, certainly a more pointed situation—why the consumer cannot have the benefit of the truth as about a shirt.

On the question of foreign imports, Mr. Chairman, we are hoping, still hoping, that we will yet be able to get some important Members of the United States Senate to listen to us long enough that we can tell one day the story of what is happening to its textile and apparel industry on competitive foreign imports. For 3 years we have been running around Washington here trying to get the State Department and the Commerce Department to take a real solid look at how the imports, of shirts, ladies' blouses, trousers, cloth, is infiltrating into our markets, made with unconscionable low wages in foreign countries, competing with our wages over here, not just a dollar an hour, you understand, and so far, we have not made much progress. We have not been able to impress too many people that we are having serious injury along that line.

Now, the section 4 (b) (4) of the bill—I am referring to the House bill—is not, we would like to point out, adequate or sufficient if we are to have those goods branded and tell the consumer that he is buying a shirt or blouse made in Japan, and it consists of this fiber content. The wording of that section we submit will not do that. The piece goods that are coming in from the foreign mills, they are coming in in the gray, so to speak. I assume you know what I mean by the gray. There is no finger processes attached. It is the rough goods, so to speak. They come in and are shipped down to the finger plants in our country. There, the finger processes are made and they are sold. Hundreds of millions of yards are coming in that way. It is that price that the textile mills, of course, just cannot touch. So, garment manufacturers can buy those goods.

They are able to have a tremendous competitive advantage over the others, and that is one of the factors I said a moment ago that has placed upon us what we think is this tight buyer's market.

Senator PURTELL. May I interrupt a minute. Mr. McKelvey, what has that got to do with this present legislation? This legislation would require these people buying these gray goods and turning them into a product—it would require those people to label those products before they sent them out in the retail field. What has this question of foreign competition got to do with the labeling—

Mr. McKELVEY. Those gray goods are made in the foreign countries.

Senator PURTELL. But the finish is put here?

Mr. McKELVEY. Yes, sir.

Senator PURTELL. All right. Before they are presented ready for the consumer, they are operated upon or added to, some labor is added to them here; is that correct?

Mr. McKELVEY. Now, Senator, you may be correct.

Senator PURTELL. I am asking you a question.

Mr. McKELVEY. I don't know.

Senator PURTELL. Will you tell me why you refer to it as gray goods?

Mr. McKELVEY. Because that is the goods that is woven or spun in the foreign mills, you see.

Senator PURTELL. And it comes over here in a finished product?

Mr. McKELVEY. No.

Senator PURTELL. That is what I am getting at. It is turned into a consumer product over here.

Mr. McKELVEY. Yes, sir.

Senator PURTELL. All right. Now, why then, what is to prevent under this law the producer of those products over here using foreign fabric to label those? This law would require it. I don't see where tying it up—

Mr. McKELVEY. Of course, the finisher who applies a mere finish, he is not the producer of the cloth.

Senator PURTELL. All right, but he certainly knows what he is buying or should know. He has chemists there that will tell him what he is buying.

Mr. McKELVEY. Presumably so, but, Senator, as I understand the practice, the finishing plant does not own the goods. That is a contract arrangement that he has between the mills to finish the goods or some other account, some other purchaser.

Senator PURTELL. Mr. McKelvey, I do not really care what the finishing mill does. I would say this, that the average intelligent businessman producing finished goods for the consumer market today—I cannot conceive of him not knowing, not specifying the type of goods he is buying to put into that consumer article, and he would know what the fiber content was. If he did not, he is not a very intelligent fellow.

He is buying his product to make shirts or trousers or whatever he is making out of it, and he takes the responsibility, having bought those goods, to label it when he produces a consumer article with it.

I don't see where this has a thing in the world to do with the low cost of the foreign markets which I agree with.

Mr. McKELVEY. Only that it will inform the consumer that it is a foreign product.

Senator PURTELL. Well, yes, he has to inform the consumer of what that fiber content is, just as a fellow who is using domestically produced goods has to inform him.

Mr. McKELVEY. Senator, that may be correct. We hope that if legislation of this kind is enacted, Mr. Chairman, that there can be adequate provision in the bill which would enable the Federal Trade Commission to be able to trace the shipments as they come down and further finishing applied, so like the Senator says, the consumer can have full disclosure of information as to that.

The CHAIRMAN. In other words, you suggest if the bill passes that we have or begin to label——

Mr. McKELVEY. Yes, sir, a little more adequately tied down, Senator, than the present phraseology.

The CHAIRMAN. And labeling.

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. But you are against labeling to begin with. You had rather not have any labeling at all?

Mr. McKELVEY. Well, the proponents of the legislation have asked us to submit suggested labeling to take the place of section 4 (b) (4). We did so, but we wanted——

The CHAIRMAN. You have language here which you have submitted?

Mr. McKELVEY. We want it understood that we are not thereby enforcing the bill.

That concludes my statement.

The CHAIRMAN. Let me ask one question to clear this up. You mentioned the case of overalls. There is one manufacturer that I know a little bit about. It is a manufacturer that makes work clothes, including overalls. They do ship them, as you say, sometimes in bales. But each overall has a label in it.

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. Well, now, what would be the objection to the label that we would say was made by this X company—work clothes, a dress—what would be the objection to it since they have to put the label on anyway, saying this overall is made of 60 percent cotton and so forth?

Mr. McKELVEY. Senator, we don't have any 60 percent—overall is made out of all cotton, made out of denim.

The CHAIRMAN. I am just saying what is the objection of putting on there what they are made of?

Mr. McKELVEY. I could see no serious objection if everything was as simple as the overall made out of denim. Well, he does not have to say it is cotton.

The CHAIRMAN. Supposing you take an item that is not all cotton—it is part this and part that—what would be the objection to just adding a small line, this is X percent cotton and X percent something else?

Mr. McKELVEY. Yes, sir. Well, Senator—

The CHAIRMAN. He is going to have a label on there anyway. Now, the cost of putting the label on is there. That is there. It is only on the printing of the label he would have to add a few more letters. That is about what it amounts to.

Mr. McKELVEY. Senator, I may be sticking my neck out. The Senator here was asking some questions on this just a moment ago of Mr. Labarthe. In this sort of a mass production system in these plants sometimes they tell me 18, 20, or more layers of cloth that start through the cutting room on these cutting tables will be, they tell me, of varying weights, varying fiber content and so forth. And so I have asked the manufacturers the same question you just asked me. What is involved in your complying with this legislation? And the answer I receive is that the help required, the labor required throughout the factory is going to be such it is going to take more than just an ordinary type of factory level worker, employee. It is going to take what they call the executive type of employee to be able to keep up with the various percentages of the various fibers that are in those different kinds of goods that are going through the plant just automatically.

Senator PURTELL. Mr. Chairman—

Mr. McKELVEY. There is a lot of expense entailed.

Senator PURTELL. May I ask a question?

The CHAIRMAN. Certainly.

Senator PURTELL. Now, Mr. McKelvey, first, let me tell you that what we are here for is to get the facts—information to help us in our deliberations—and you have been very helpful to us.

Mr. McKELVEY. Thank you, sir.

Senator PURTELL. But what you are trying to tell me now is that the tolerances on these fiber contents would be so great that you would have to select each bolt and so forth. Mr. McKelvey, that is not exactly right, is it?

Let me say this. Supposing we said on a 65 percent Dacron content piece of goods there was a tolerance of 5 percent either way. This was understood. Do you mean to tell me that your purchaser of the cloth could not specify a tolerance—for instance, making shirts that would have a content of from 60 to 70 percent with a mean of 65, and he could not get that kind of cloth, and that every bolt of cloth he had in there to make shirts from would be within that tolerance?

Mr. McKELVEY. No, I don't understand it that way, Senator, at all. I don't understand it at all.

Senator PURTELL. Do you mean to say that there is such a great variation in the fiber content of the bolts of cloth that he gets that, he would have to check each one to find that they came within a specified amount, 65 percent?

Mr. McKELVEY. I think, undoubtedly, he would know from his invoices what the weight of the fiber in the fabric he has received. He would know that. Now, the question of his factory help being able to follow through on that with the system they would have to establish is the big cost of expense that they tell me.

Senator PURTELL. But, Mr. McKelvey, if we had a tolerance setup that embraced these variances which would come from the producer of the cotton bolt itself or the fiber bolt itself, would that not be sufficient?

Mr. McKELVEY. I think it would if the tolerance figure were sufficient. Five percent, I don't believe that would be sufficient?

Senator PURTELL. We found out today, at least we were told by experts, when a woman buys a dress or skirt, that she supposes if it is a Dacron shirt or an Orlon or whatever you want to call it—I am not interested in any particular synthetic—that it will have certain properties. For example, she can wash it and it will look nice without ironing. Certainly, the experts know what the minimum amount of the synthetic fiber must be in that particular piece of cloth to give it that property when made up in a dress, is that correct?

Mr. McKELVEY. I should think so. I am not an expert either, Senator.

Senator PURTELL. Well, if you are not an expert, if you do not know, since you represent the Northern Garment Manufacturers Association, I am rather surprised, if you do not mind my saying it.

Mr. McKELVEY. I take what they tell me.

Senator PURTELL. Certainly if people of your association are advertising to the public that they are going to supply them with a dress that will look nice without ironing, I would imagine that they are going to see that there is enough fiber in there to give it that property; is that correct?

Mr. McKELVEY. I should think so.

Senator PURTELL. Mr. McKelvey, you must know so or else they would be misrepresenting to the public, would they not?

Mr. McKELVEY. I do not claim to know too much about the manufacturing process, Senator. They will make the same representation to the public that the mill who made the cloth made to them.

Senator PURTELL. Let me say this. We know that there is a minimum amount of synthetic that must go into a dress in order to make it practical without ironing; is that correct?

Mr. McKELVEY. I do not think that is correct. I do not see why an all-cotton dress can't be made just as practicable.

Senator PURTELL. All right, but we know, for instance, in a shirt—I can tell you this, I do not know a thing about dresses, although I pay for them indirectly—let me tell you something about shirts, sir. I do know that a cotton shirt, at least I have not been able to wear one without it being ironed. But I can buy a 65-percent Orlon or Dacron and 35-percent cotton and wear it without being ironed. I do know that. I know if I bought one that was 35-percent Dacron and 65-percent cotton—when I buy a Dacron shirt, I buy it for that particular property that I don't have to iron it. That is why I buy it. Now, when you are making dresses or shirts, your people of your manufacturers association, when they are buying cloth to make these shirts that the public are led to believe will not have to be ironed, they know what the minimum content of Dacron will have to be in that shirt, do they not?

Mr. McKELVEY. Presumably so.

Senator PURTELL. If they were going to make 10,000 shirts, all the cloth they had would be sufficient to produce a shirt that would not have to be ironed; is that correct?

Mr. McKELVEY. That would be true where they are cutting only that particular cloth you are speaking of, Senator.

Senator PURTELL. This run of shirts?

Mr. McKELVEY. Yes, but you must understand, that is only one cloth they will be running through the plant at the same time.

Senator PURTELL. I do not think I am getting any place, but it is hard for me to believe they would be running off the same table, shirts that had 35-percent Dacron, 65-percent Dacron, 85-percent Dacron. I am pretty sure that every run would be pretty much the same.

Mr. McKELVEY. Senator, I would like to invite you down to some of these plants.

Senator PURTELL. I have been in your plants, and you cannot tell me that they have to do some sorting later and find out whether the one they made this time was a 35-percent Dacron and the next might have been a 65-percent Dacron?

No, when they run these out, sir, from the raw material, that raw material has to meet a specification, 65 or 75 or whatever it is Dacron—and the rest cotton. And every shirt made from that run of many bolts of cloth will meet that specification.

Mr. McKELVEY. Yes, sir.

Senator PURTELL. All right. Now, what would prevent them then having a label for everyone of those shirts made from that cloth that they bought for 65 percent, 35 percent? What would prevent them from putting a label on the products of that?

Mr. McKELVEY. I think they will have to have the label under this bill.

Senator PURTELL. That is right.

Mr. McKELVEY. But that is only one cloth, Senator, that they are running through.

Senator PURTELL. They will have to have different labels for different cloths.

Mr. McKELVEY. If the fiber content, the weight of it, is different, certainly.

Senator PURTELL. Well, I am not going to argue the point. Look, if they have a tolerance, this 65-percent Dacron could be and we would understand it to be so from 60- to 70-percent Dacron. It could not be less than 60 nor more than 70. There would be an allowable tolerance. I think they would have no trouble getting all the material made for those shirts within that tolerance.

Senator POTTER. Is it not true that you label shirts anyway as they come off? They are labeled, they are sorted according to, maybe, construction—I don't know what the means of sorting would be—some companies more than others—and you sort them at the factory, do you not?

Mr. McKELVEY. Yes, sir.

Senator POTTER. And I assume you put a label in at the factory?

Mr. McKELVEY. Some kind of a brand label and a size ticket, yes; that is right.

Senator POTTER. Now, I think the question that the chairman brought up is something that is difficult for me to understand. That is, why when you put in that label, you cannot also have a little line in there saying the content, if it is cotton or if it is 100-percent cotton shirt, you say 100-percent cotton; if it is 65-percent nylon or Orlon—whatever it might be—put that in. But I fail to see where it would add a great staff of employees other than the fact that you are labeled anyway. You have some markings on the shirt, and certainly you would know the content of the fabric at the time. You have to put the labels on anyway, some type of markings. If you just put on the content of the fiber, why, it would seem to me that it would involve no more people or knowledge than a businessman would have anyway.

Mr. McKELVEY. Senator, in addition to the cost factor I mentioned a little while ago there is also this question of warranties in which the garment manufacturer must obtain a warranty from his source of supply and I had one of our members to tell me that he bought goods from as many as 200 different mills. He has to have a warranty from every source of his supply. The manufacturer must in turn also furnish his customers with a warranty. In that warranty he will say what the mill said to him about the fiber content. All together they are pointing out that this entails quite a lot of expense.

Senator POTTER. They get the warranty at the present time, do they not?

Mr. McKELVEY. Surely the information, well, not about the fiber content, that is not stated on the purchase order and the invoices, I am sure—not the details.

Senator POTTER. But if a garment factory is buying cloth they know what is in that cloth, if it is all cotton, and they probably specify so much cotton. If it is going to be a blend, why, in the percentage of the blend. Would that not be true?

Mr. McKELVEY. I understand that they have trained themselves for the cloth and they automatically know whether it is wool cloth or synthetic cloth.

Senator POTTER. Well, that is my point. I cannot—

The CHAIRMAN. Back here in everybody's shirt in this room there is a label, is there not? It is an Arrow shirt.

Mr. McKELVEY. That is a trade name and you have your size back there.

The CHAIRMAN. Size and the store you bought it from. Sometimes stores put a label. Somebody had to put this label in, did they not, they had a printed label. Would it be too much trouble to label "This shirt is all cotton," "60 percent cotton," "40 percent—," whatever it is?

Mr. McKELVEY. Senator, if it was as simple as the shirt you and I are wearing, I don't think they have—

The CHAIRMAN. Every dress has a label?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. I will ask the ladies here, does not every dress have a label?

It is the same thing. The point I am trying to make is you have to make a label for every garment and you put the label on anyway. Now the only expense I could see would be the added extra number of letters you would put in there on the label when you made it.

Mr. McKELVEY. No; that would be infinitesimal as far as the total expense is concerned.

The CHAIRMAN. What else would there be?

Mr. McKELVEY. Being required to keep track of these different weights of goods as they go through the plants so that when they are finally boxed and so forth they have the correct label as to the fibers and the weight of the fibers—

The CHAIRMAN. Let's take a garment manufacturer. He is making "X" number of dresses and he is attempting to buy the goods for this long production line for the type of goods for that dress.

Well now, certainly there may be some—as you say—variants, infinitesimal between bolts and things like that. Nobody is going to say to him, "You are violating a law," because it happens to be 61/39 as against 60/40 or vice versa.

Mr. McKELVEY. No.

The CHAIRMAN. And it would not vary that much in any case, so he goes and puts that lot through, he puts the labels in and he says these are 60/40, or whatever is in them. So he is going to put out another group. He puts the label on those. He knows what is in every one of those I would think.

Mr. McKELVEY. But if his employees should make a mistake—

The CHAIRMAN. The bill takes care of a mistake. We have provisions in the bill to take care of that. There has to be an intent to deceive. He can appeal any Federal Trade decision to court and no court in the world would ever touch a man that happened to make a mistake. If he made mistakes every day in the week, that might be another thing, but one mistake isn't going to—nobody is going to be punished for that.

I don't know, I get the impression people do not want to tell you what the goods are made of. I don't know why.

Senator PURTELL. That is what bothers me, Mr. Chairman. I can't see why—

The CHAIRMAN. I can't understand because I would think today most every retail store that stays in business any length of time whatsoever, if the garment does not perform well the customer brings it back and there is almost an unwritten guaranty, otherwise he would not be in business very long in any community in the United States.

Senator PURTELL. Actually, Mr. Chairman, when we talk about these variances—now, a fellow making a \$5 shirt, it is hard for me to believe that he would have any great variances in the quality of those \$5 shirts if he is making them. I think they would be pretty uniform in quality and in order to be uniform in quality they had to be uniform in content. When we speak about tolerances certainly we could write in the law anything called 65-percent Dacron would have a tolerance of 5 percent one way or the other.

I am sure, Mr. McKelvey, there would be no difficulty on the part of your manufacturers getting uniform cloth and running off their lots with uniformity that would conform to the law anyway. I am pretty sure that would be true. I just cannot figure why we are trying to find reasons why we can't do it.

You spoke before of the consumer getting the benefit of the truth. These were your words and you wondered why we are making this apply to textiles and not to other things. But I liked what you said about the consumer getting the truth.

Now, is it not well that we get some of the truth to the consumer even if it is limited to this line now and ultimately spread it to get a lot of truth on everything to the consumer.

Mr. McKELVEY. I don't agree with that.

Senator PURTELL. I am not trying to put words in your mouth.

Mr. McKELVEY. I am not going to let you do that.

Senator PURTELL. I didn't think you would.

Mr. McKELVEY. I wouldn't.

I think the consumer should be told the truth about this rug, carpet, about bedding, about luggage, furniture, all these things that consume fabric.

Senator PURTELL. Do you think because they don't get it about rugs they shouldn't get it about dresses?

Mr. McKELVEY. Well, I just say that it seems to me that if you are going to require this industry to comply with the law to tell the consumer the truth about the fabrics and what he buys from us he ought to be told the truth about others.

Senator PURTELL. Do you believe it is good for the consumer to get the truth?

Mr. McKELVEY. Certainly.

Senator PURTELL. All right, why do you object to it in this particular instance? I would like to see him get it in everything and will be working on it. But this is a good place to start.

Mr. McKELVEY. Why can't Congress go all the way?

Senator PURTELL. I am willing to do it, but this is not the bill before us, sir. The bill before us is H. R. 469.

Mr. McKELVEY. They can be amended.

Senator PURTELL. I would be happy to amend it.

The CHAIRMAN. What would you suggest? We have rugs in here, we have everything in here relating to fiber material. How would you suggest we would amend it to cover more?

Senator PURTELL. Manmade fibers.

Mr. McKELVEY. Whatever these exemptions are, Mr. Chairman.

The CHAIRMAN. Well, there are a few exemptions in the bill.

Senator POTTER. Like these diapers.

The CHAIRMAN. Would you suggest that we take upholstery stuffing?

Mr. McKELVEY. I think that should be included; yes, sir.

The CHAIRMAN. Every State in the Union, practically, requires them to say what is in stuffing. It is on the label.

Now, outer coverings of furniture, we have had some discussion pro and con, whether it should stay in or out. You think that should stay in?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. Now, linings or interlings incorporated primarily for structural purposes and not for warmth.

Do you think that should stay in?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. I mean do you think it should go out?

Mr. McKELVEY. I think it should be covered by the legislation.

The CHAIRMAN. That might be steel products.

Mr. McKELVEY. I didn't know we were dealing with steel.

The CHAIRMAN. If it is textile fibers you think it should go in?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. Stiffenings, trimmings, facings or interfacing. I don't know what that means.

Senator PURTELL. Interfacing of your suits.

Mr. McKELVEY. It is some cloth that goes into the back of it.

The CHAIRMAN. All right, that should go in and you think that sewing thread should go in?

Mr. McKELVEY. I am not sure about sewing thread. I have had it explained to me that sewing thread is one of the items which they are able to attribute a little shrinkage quality, for instance.

The CHAIRMAN. Do you think bandages and surgical dressings should go in?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. Waste materials not intended for use in textile fiber product?

Mr. McKELVEY. I don't believe I see the necessity for that.

The CHAIRMAN. And textile fiber product incorporated in shoes or outer footwear?

Mr. McKELVEY. That should be included.

The CHAIRMAN. Links in shoes?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. And textile fiber products incorporated in headwear, handbags, luggage, brushes or handbags and toys?

Mr. McKELVEY. I think so.

The CHAIRMAN. That is all the exceptions you think they should put in?

Mr. McKELVEY. Yes, sir.

The CHAIRMAN. And if they are put in you are in favor of the bill?

Mr. McKELVEY. No, sir. [Laughter.]

The CHAIRMAN. You just told the Senator from Connecticut you were in favor that the people should know what they are buying and it should cover everything. What do you suggest we should do further than this?

Mr. McKELVEY. This is what we said in the beginning, if any industries are to be covered using these fabrics they all should be.

The CHAIRMAN. Supposing we take out all the exceptions, would you be in favor of the bill then?

Mr. McKELVEY. No, sir; I wouldn't be in favor of the bill but the bill would certainly be fairer to all consumers.

The CHAIRMAN. But you are not in favor of any bill?

Mr. McKELVEY. No, sir; let's put it this way: We are not in favor of the bill as it is unless it can be made fair to all that are covered by it.

The CHAIRMAN. I said that I supposed we covered everybody.

Senator POTTER. Have we missed anybody?

Mr. McKELVEY. If you want to tie me down, I would like to have some time to give you a more detailed answer to that, Senator.

The CHAIRMAN. Then, because if we covered everybody, you said you agreed with the general principle, why then do you still say you are not in favor of the bill?

Mr. McKELVEY. That is right.

The CHAIRMAN. In your statement you do say there are some tags, stickers, and labels on a shirt, pair of trousers, or ladies' dress—yet,

as I take it, you object to adding a few more letters on a label that will tell the people what they are buying. If there are some on there, I do not know why this would make much difference. I might suggest that they ought to take some pins out of shirts when you buy some new shirts. I never could get into one.

Senator PURTELL. Particularly before you put them on.

The CHAIRMAN. I do not want to be facetious. Your garment manufacturers, as I understand it, do not like any type of bill of this sort, is that right?

Mr. McKELVEY. That is right.

The CHAIRMAN. All right, let us be honest.

Senator PURTELL. I would say to Mr. McKelvey I can understand your position here. Very frankly, I think you found it difficult to answer some of our questions, and I think it is understandable, because, well, I think the people you represent just do not want to do anything additional. Is that not right?

Mr. McKELVEY. They are not in favor of this bill, Senator.

The CHAIRMAN. Now, the Senator from Connecticut asked you a question. Let us get this straight here.

Senator PURTELL. They want to maintain the status quo.

The CHAIRMAN. They want to maintain the status quo.

Senator PURTELL. I am not being critical. They have a right to do it, and I think you put up as good a case as you could under the circumstances.

Mr. McKELVEY. That is right.

The CHAIRMAN. Now, thank you, very much, and if you have any further suggestions, the record will be open here.

Mr. McKELVEY. We might like to avail ourselves of that privilege.

The CHAIRMAN. The record will be open for you at all times.

Mr. Smith can put his statement in the record.

The committee will recess until 10:30 tomorrow morning.

(Whereupon, at 4:48 p. m., the committee recessed to reconvene at 10:30 a. m., February 27, 1958.)

TEXTILE LABELING LEGISLATION

THURSDAY, FEBRUARY 27, 1958

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C.

The committee met, pursuant to adjournment, at 10:45 a.m. in room G-16, United States Capitol, the Honorable Warren G. Magnuson, Chairman of the committee, presiding.

The CHAIRMAN. The committee will come to order. We will proceed with the hearings as usual. We have several Senators coming, but they are not here yet.

First listed is Mr. Arthur M. Klurfeld. Is he here?

What about Mr. Robert E. Carter? We will be glad to hear from you. Mr. Carter represents the National Retail Furniture Association in New York.

Mr. CARTER. Senator, I also have Mr. Fricker, from the Kroehler Co. with me, whom we would like to include in our testimony.

The CHAIRMAN. All right. We will be glad to have him included.

STATEMENT OF ROBERT E. CARTER, REGIONAL VICE PRESIDENT, AND CHAIRMAN, GOVERNMENTAL AFFAIRS COMMITTEE, NA- TIONAL RETAIL FURNITURE ASSOCIATION

Mr. CARTER. I am Robert E. Carter. I speak for the National Retail Furniture Association.

I am a retailer. I own two small retail stores in Baltimore, Md.

We have a formal statement, Senator, which we would like to have included in the record.

The CHAIRMAN. That will be put in the record.

Mr. CARTER. The National Retail Furniture Association was founded in 1921. Our members are the owners of 8,500 furniture stores located in all 48 States and the District of Columbia. Their sales account for about 85 percent of the Nation's \$5 billion annual purchases of home furnishings.

The official position of our association on the textile fiber labeling bill, H. R. 469, is that upholstery fabrics should be exempted from the provisions of the bill, in the same way as they are now exempted from the Wool Products Labeling Act of 1939, Public Law 850, 76th Congress.

H. R. 469, as amended and passed by the House of Representatives, now exempts "outer coverings of furniture" (sec. 12 (a) (2), line 17, p. 17).

We now respectfully recommend a technical change, not a substantive one, in this exemption. We recommend that the words "outer coverings of furniture" be followed by the word "upholsteries."

Our reason for this recommendation is as follows:

The House Interstate and Foreign Commerce Committee included this exemption in the bill after hearing testimony from representatives of the National Association of Furniture Manufacturers, the Southern Furniture Manufacturers Association, the Upholstery and Drapery Fabric Manufacturers Association, and the National Retail Furniture Association.

H. R. 469, as originally introduced in the House of Representatives would have nullified an exemption from fabric labeling requirements originally granted to the furniture industry in the Wool Products Labeling Act of 1939 (Public Law 850, 76th Cong., sec. 14).

Under the Wool Act, "upholsteries" are specifically exempted from fabric labeling requirements. But H. R. 469, as originally introduced, would have taken away this exemption, because it does not apply to products required to be labeled under the Wool Labeling Act of 1939 (sec. 2 (h) (3), H. R. 369, lines 8 and 9). But because "upholsteries" are not required to be labeled under the Wool Act, the effect of the language in H. R. 469 was to nullify a previously granted exemption.

For this reason, the House of Representatives provided a specific exemption in H. R. 469 for "outer coverings of furniture" and that the Wool Labeling Act uses the term "upholsteries." Both terms have the same meaning in trade usage.

By adding the term "upholsteries" to line 17, page 17, of H. R. 469, any possible misunderstanding will be avoided that might otherwise arise from using two terms for the same thing.

We understand that your committee is also considering a similar bill, S. 1616, introduced by Senator Hill for himself, and for Senators Monroney, Magnuson, and Stennis.

We recommend that to escape the problem which was avoided by the House amendments to H. R. 469, S. 1616 also be amended as follows:

1. Sec. 2 (g) : Strike out "outer coverings of furniture" (p. 2, line 23).
2. Sec. 12 (a) (1) : Add "outer coverings of furniture; upholsteries" (p. 17, line 14).

These amendments would make H. R. 469 and S. 1616 identical with respect to the exemption granted to upholstered furniture and upholstery fabrics.

There is one general question which we should draw to the attention of members of your committee. It has to do with "commerce" in H. R. 469 (sec. 2 (k), p. 3, line 14).

This definition, taken in conjunction with section 3 (c), page 4, line 24, has the effect of extending the jurisdiction of the Federal Trade Commission down beyond interstate commerce into areas of intrastate commerce at the local retail level.

This interpretation of the effect of section 3 (c) was made by the general counsel, Federal Trade Commission (hearings, House of Representatives, April 11, 1957, page 79).

It extends the jurisdiction of the Federal Trade Commission to the local retail level, which is authority which Congress has not granted to the Commission under the Federal Trade Commission Act itself.

This broadening of FTC jurisdiction is accomplished in H. R. 469 and S. 1616 by making textile fiber products subject to the act "after shipment in commerce" (page 4, line 25, H. R. 469; page 4, line 18, S. 1616).

The net effect is that any retailer in any State, who sells and advertises only in his own State and makes no interstate shipments, would nevertheless be subject to Federal control if the textile fiber products he sells have been received from another State.

The National Retail Furniture Association is opposed, on general principles, to this extension of Federal control to purely local intra-state retail activities.

It is our opinion that this is an era of trade regulation which is reserved to the States.

We contend that section 3 (c) of H. R. 469 is an invasion of States rights. We respectfully recommend that it be deleted from the bill.

We would like to point up that the NRFA, the retail furniture position is to exempt upholsteries the same as in the Wool Labeling Act, and that the exemption granted by the House in the House bill 469 reads "outer coverings of furniture." We would like to have the word added to this so that both bills would be uniform, the word "upholsteries," to avoid the conflict in the wording in the Wool Labeling Act. I think that is section 2 (g), page 2, line 23. And also, section 2 (g), page 2, line 23. And also, section 12 (a) (1) on page 17, line 14.

Now, we feel that this is a technical change, not a substantial addition, and the bill should be made uniform in this recommendation.

The CHAIRMAN. As I understand it, upholsteries are not required to be labeled under the Wool Act.

Mr. CARTER. That is correct, sir.

The CHAIRMAN. What is the definition of upholsteries—up here you have upholstery, not upholsteries.

Mr. CARTER. The wording here is rather all inclusive. It starts out as outer coverings of furniture and upholsteries. I think they are both the same, or generally speaking, are the same. It is the outer covering—

The CHAIRMAN. In the trade, they are both the same, are they not?

Mr. CARTER. That is correct, sir. The filling material would be something different.

The CHAIRMAN. That is required by law in most cases to be there?

Mr. CARTER. That is correct, sir. There are 39 or 40 States which require the filling material to be labeled.

The CHAIRMAN. What do you do in the other States that do not require it?

Mr. CARTER. I do not know. We have always lived under that.

Mr. FRICKER. We label them as a manufacturer because we cannot be bothered to keep them separated.

The CHAIRMAN. So, they are generally labeled every place.

Mr. FRICKER. That is true.

Mr. CARTER. It is very uniform.

At this time I would like Mr. Fricker, from the Kroehler Co., to emphasize some of the points regarding wear versus fiber content.

The CHAIRMAN. All right, Mr. Fricker.

STATEMENT OF EDWARD FRICKER, KROEHLER MANUFACTURING CO., NAPERVILLE, ILL.

Mr. FRICKER. I represent the National Association of Furniture Manufacturers as well as the Kroehler Manufacturing Co., who are the world's largest producer of upholstered furniture. I think I have been selected to testify for NAFM because of my background, having worked in the retail field for 10 years and representing one of the world's largest manufacturers of upholstery fabrics for another 10, and having bought fabrics for Kroehler for 15 years. We buy approximately 6 million yards a year, which is more than Chevrolet or Ford or the Plymouth car would use in a year, to give you some idea of the quantity that we do use.

Now, the upholstery industry is what we call a fancy goods industry. A great assortment of textures and colors on types of fabrics are used. When we say fancy goods industry, we like to differentiate it from, let us say, bedspreads or sheets or pillowcases, things of that character that have not much visual character when you look at it from a selling standpoint.

Now, the majority of retail sales are made by visual inspection, and the quality features are secondary consideration. Generally, the customer coming into the store has enough confidence in the store that they are dealing with that they leave it up to the manufacturer of the furniture or the retail outlet as far as quality is normally concerned.

Now, retail customers and furniture stores, as evidenced by their numerous requests, are primarily interested in the following as far as fabrics are concerned, that is: How will it wear, will it fade, is it going to fuse, will the seams hold in the cushion, is it going to fray or will it ravel or snag, is it going to soil, or is it easily cleaned, is it going to stretch or wrinkle, will it mat?—those are the things that the customer is actually interested in.

The CHAIRMAN. Let me ask this.

Mr. FRICKER. Yes, sir.

The CHAIRMAN. The furniture manufacturers as such never produce their own fabrics.

Mr. FRICKER. That is true.

The CHAIRMAN. They buy the fabrics, do they not?

Mr. FRICKER. That is correct, sir.

The CHAIRMAN. And they buy them not from one particular mill; they buy them all over, do they not?

Mr. FRICKER. That is right.

The CHAIRMAN. Several mills may—

Mr. FRICKER. Probably a hundred.

The CHAIRMAN. And furniture manufacturers, say given 10, may all buy the same fabric or the same type of fabric from one mill; is that correct?

Mr. FRICKER. Very seldom is any individual fabric bought exclusively; it is bought, as you say—

The CHAIRMAN. Bought for the furniture trade.

Mr. FRICKER. That is right.

The CHAIRMAN. So, that transaction is usually never a transaction between a consumer and a manufacturer or a retailer; it is a transaction between two manufacturers.

Mr. FRICKER. That is correct.

The CHAIRMAN. And then, the furniture manufacturer sells direct to the wholesaler or retailer or whatever it is.

Mr. FRICKER. That is right. Now, we have had little or absolutely—

The CHAIRMAN. If there was any misleading factor involved in this, it would be misleading between two manufacturers, one buying from the other.

Mr. FRICKER. Except as it would be transmitted along to the various—I mean the retailer and then to the customer.

The CHAIRMAN. Here is a finished product. The furniture manufacturer has bought his fabric from “A” mill. He has bought it for various reasons, maybe color, texture, style, all the things that he wants. When he sells that to a retailer or a wholesaler, whatever it may be, does he list to him in the invoice what the fabric is?

Mr. FRICKER. No.

The CHAIRMAN. He does not say that?

Mr. FRICKER. No.

The CHAIRMAN. He does not say it is durable or it is washable; he says it is washable sometimes—

Mr. FRICKER. No; because many fabrics are not washable.

The CHAIRMAN. If it is, does he say so?

Mr. FRICKER. For the simple reason that there are thousands, just literally thousands, of different combinations that are usable and are used and, as soon as you say a fabric is washable or it is this or that, it is very confusing, and it does absolutely nothing but confuse the retailer, his salesmen, and the buying public.

The CHAIRMAN. Is that because the very nature of buying furniture, say a furniture store, like yourself in Baltimore—

Mr. CARTER. That is right.

The CHAIRMAN (continuing). You go and pick it out yourself?

Mr. CARTER. That is correct.

The CHAIRMAN. You may order a repeat or something similar, but you do not just send a letter to these fellows and say send me “X” number of davenports or chairs.

Mr. CARTER. That is right; we select it.

The CHAIRMAN. You go to the furniture mart and select.

Mr. CARTER. That is right.

The CHAIRMAN. So, that it is sort of a caveat emptor proposition when you get that, if you like that material or the style and think it will sell in your store, you say I want “X” number of those, or you buy “X” number of those.

Mr. CARTER. That is correct, sir. But our primary consideration is, to get back to this bill, is not the fiber content, it is the wear quality.

The CHAIRMAN. Wear quality?

Mr. CARTER. That is correct.

The CHAIRMAN. Now, if I go in your store—the Hub is one of them in Baltimore, I see.

Mr. CARTER. Right.

The CHAIRMAN. Sometimes you will have on your slip, “This fabric is washable,” will you not? Do you not use that as an advertisement?

Mr. CARTER. We have it in a few instances. More than that we have an informative label, which does not discuss fiber content, but that label is supplied by people like Kroehler.

The CHAIRMAN. It discusses some features of the fabric that you may want to——

Mr. CARTER. That is correct, color fastness——

The CHAIRMAN. Tell the consumer about.

Mr. CARTER. That is correct. It does have an informative label in many cases. And, of course, the salesman, many times, tries to inform the consumer of its wear quality.

The CHAIRMAN. Sure, a furniture salesman will say, "This is all mohair or all nylon" or something, but that information is only given to him through your buying the product someplace.

Mr. CARTER. That is correct.

Mr. FRICKER. To show you how unimportant fibers are from our——

The CHAIRMAN. Fiber content?

Mr. FRICKER. Fiber content is in our dealing, you mentioned the word "mohair." Now, 15 years ago if anyone had said to me——

The CHAIRMAN. See, I am getting old.

Mr. FRICKER. I am that old, too. That 15 years ago that was the only word used in the industry, mohair frieze, mohair—today, it is practically extinct as far as furniture covers are concerned. I would say only 1 percent are that. In another 5 years we may not have any. Fiber content is not the thing that is important. Will it fair? Will it fade? Will it fuzz? How long is it going to look well? In other words——

The CHAIRMAN. How can you tell that if you do not know the fiber content when you buy from the mill?

Mr. FRICKER. Because I can buy——

The CHAIRMAN. You just do it by experience?

Mr. FRICKER. Well, by experience, surely, but that is only one thing. I can buy good rayon fabrics, good nylon fabrics, good any fiber fabric or I can buy poor ones. The fiber has nothing to do with the quality of the cloth or very little to do with the quality of the cloth. I can buy, for example, a rayon that is faultily twisted that when you put it on a suite of furniture, the thing is going to fuzz up completely inside of 6 months, and I will show you many examples of what I am talking about. Or I can buy that same yarn with a few more revolutions in the twist. We put a few more threads per inch into the cloth and a different backing on the cloth, and it is a completely satisfactory fabric. The fiber content is the most confusing and misleading thing——

The CHAIRMAN. Would this be a correct statement? This thing of outer covering on furniture sort of polices itself as far as the consumer is concerned, because you would not want to buy on a good piece of furniture, a sturdily made piece of furniture, made of fabric that would completely tear down the value of a piece of furniture.

In other words, it would have to be something that you want to last. It would be in your best interest that it would last.

Mr. FRICKER. It is in our best interest to have it last, and that is why we have gone into these performance standards. Actually, if you want to say it is a selfish interest, we did it here about 4 or 5 years ago because we were having some complaints.

The CHAIRMAN. Now, what would be the practical disadvantage?—I am assuming you have no objection to telling anybody what is in the fabric?

Mr. FRICKER. That is absolutely correct.

The CHAIRMAN. As a general proposition.

Mr. FRICKER. That is right.

The CHAIRMAN. Or neither would you as a general proposition, because it is in your best interest that you would if they wanted to know. And I suppose you have some customers that do want to know what is in this fabric.

Mr. CARTER. Yes; occasionally we do.

The CHAIRMAN. And you would have—if you did know, you would tell them. If you did not know, you would probably go to the trouble of finding out.

Mr. FRICKER. There are only two reasons why we would rather not tell. For example, a customer was in the fabric, and that is first, nylon—the word “nylon” is magic. It is a highly desirable fiber. It is long wearing and has many fine characteristics. For instance, in a nylon frieze, where the back is cotton, as soon as we tell the woman it is 60 percent nylon——

The CHAIRMAN. I notice all the witnesses use the feminine gender. Don't men buy anything?

Mr. FRICKER. Not very much in this industry.

The CHAIRMAN. All the testimony has got “she.”

Mr. FRICKER. All we do is pay for it.

The CHAIRMAN. Yes; I know we pay for it.

Mr. CARTER. Interestingly, though, the men ask very few questions about that. It is the woman who asks the questions.

The CHAIRMAN. Well, she is the one that has to maintain the home and keep the furniture looking nice, so she is interested in what the fabric is, naturally.

Mr. FRICKER. Generally, at a retail level from my experience——

The CHAIRMAN. Let me pursue my question. Now, you sort of hedged there a little bit. I assume you would have no objection of telling any customer if you know and if they thought it was important what was in the fabric.

Mr. FRICKER. We are very happy to tell them. There are only two reasons why we might not, and let me explain it to you. First, the “nylon” word is so desirable that when you tell a customer this is a nylon frieze it denotes certain things. It is long wearing. You can clean it readily. It will not soil. So as soon as we dilute the performance of a cloth by using the word “cotton,” which is not long wearing, which is soiled easily, the customer is confused, because here is a nylon frieze, here is one, for example, which has a long-wearing quality. The back is cotton. We do not want to confuse the buying public by telling them there is cotton in this cloth when it has nothing to do with the service qualities of the cloth.

The CHAIRMAN. Now, if I had asked you and you told me there is cotton in it, and you made this statement you just made, I would have been convinced it had nothing to do with it. I would not be worried.

Mr. FRICKER. Except there is a hundred thousand salesmen around the country. It is most difficult to tell them. There are thousands of different types of cloths. For all the salesmen to know all the answers, it has taken me 30 years to get all these answers, and I am sure that retail salesmen are not in the position or of the experience,

nor is it possible to educate them on a complete basis as maybe you are suggesting.

The CHAIRMAN. All right. Then what you are saying is that in this particular case, it actually, as far as the consumer is concerned, does not make too much difference.

Mr. FRICKER. That is correct.

The CHAIRMAN. In all this variation of fabrication that you have.

Mr. FRICKER. That is right. In fact, the question is asked——

The CHAIRMAN. Now what is the practical objection to your telling what is in the—putting a label on there, telling them what is in there?

Mr. FRICKER. The practical objection is, one, it could be completely confusing——

The CHAIRMAN. I am not saying that. I say what is the practical objection, not that it be confusing, but what added burden would you have if you put it on there?

Supposing we decided that even if it is confusing, we want the consumer to know what is in the fabric.

Mr. FRICKER. Except that she would not be getting——

The CHAIRMAN. What is the objection?

Mr. FRICKER. What they think she is getting——

The CHAIRMAN. You do not get my question. Supposing we decide that we do not take your argument.

Mr. FRICKER. Yes.

The CHAIRMAN. That she would not be getting what she thinks or that it would be confusing or the salesman does not understand it or that it does not make much difference—and we are going to say that we want the consumer to know what is in the outer coverings of the fabric of the furniture, what would be the actual practical objection to it—putting the tag on?

Mr. FRICKER. Well, let me read one paragraph here——

The CHAIRMAN. Would it come from the manufacturer? Would it come from the retailer?

Mr. FRICKER. It would come from us, I would presume.

The CHAIRMAN. All right. That is what I want to hear.

Mr. FRICKER. The cost involved in a program of taking or labeling of fabric content would be high with a minimum of results. Our inventory figures at the end of 1957 showed about 4,000 to 5,000 individual colors of fabrics in our 10 to 12 plants. At least 2 or possibly 3 additional personnel would be needed in each office in each plant. Sewing rates would have to be increased for the simple reason that our labor will not do that much without paying them additional money. It is a matter of taking that ticket, sewing it into the labels so the sewing rates would have to be increased.

The CHAIRMAN. In the case where people are putting labels in it, this for you would be an entirely new label?

Mr. FRICKER. An additional label.

The CHAIRMAN. An additional label?

Mr. FRICKER. That is correct.

The CHAIRMAN. All right.

Mr. FRICKER. And an estimate that we made prior to the time that we were before the House committee, an expenditure of a minimum of a hundred thousand dollars would be necessary.

The CHAIRMAN. For whom?

Mr. FRICKER. For the Kroehler Manufacturing Co.

The CHAIRMAN. All right.

Mr. FRICKER. This naturally would have to be included in our over-all costs. If we felt the proposal had merit, we certainly would be first to give it our complete backing. We feel again it could only be confusing and misleading the ultimate consumer.

The CHAIRMAN. Do you put any label at all on the fabrics?

Mr. FRICKER. Not on fabrics.

The CHAIRMAN. Nothing at all? There is no label at all?

Mr. FRICKER. That is correct.

The CHAIRMAN. There is a label, of course, on the furniture, I suppose underneath or spliced identifying the furniture?

Mr. FRICKER. Yes, we put our own Kroehler Manufacturing and our competition do likewise. It is put on on a different basis than that, I think. It is about 10 cents a label to give you some rough figures.

The CHAIRMAN. We appreciate that there would be more costs involved if you have to put a label on, an additional label, than if you just added a few letters to the label—if you just added a few letters to the label you are putting on anyway.

Mr. FRICKER. Well, it is not only putting the label on. First, you have hundreds of individual fabrications—each has a completely different fiber content. You have to type it up or you have to have them prerin.

The CHAIRMAN. I think I ought to say for the record again, I think this is important. You say there are—how many?—5,000 fabrics?

Mr. FRICKER. We have between 4,000 and 5,000 fabrics in our organization alone. And other people have comparable amounts.

The CHAIRMAN. So, for the whole industry there are that many fabrics that they choose from or use, or look at, or have an opportunity to buy, and put on the furniture during a given year, season, or time.

Mr. FRICKER. That is right.

The CHAIRMAN. I presume there are no questions. These two gentlemen represent the furniture manufacturing people and they are talking about outer covering on furniture. They say the fiber content of the outer covering on furniture makes no difference, because fabrics are bought mainly for their durability, their wearability, and the color and style. And there are 5,000 of them that they are picked from. They change them around, but the variety is about 5,000. And that, therefore, would be, they say, an undue burden. They do not put a label on to begin with. This would be an additional label.

Senator PORTER. Where would you put a label?

Mr. FRICKER. Well, we generally sew it into the deck; the deck is the thing underneath the cushion, and you come over the front of it and there is a flat part. We generally sew it in there. It is an additional handling and it is sewn in there.

The CHAIRMAN. You could put it like they put it in pillows. It is torn off after it is bought right at the seam. You have that on the intercoverings of your furniture, do you not?

Mr. FRICKER. That is true.

The CHAIRMAN. As I remember, it is a label that sticks out and you tear it off.

Mr. FRICKER. That is correct.

The CHAIRMAN. After she buys it, she tears it off.

Mr. FRICKER. I would like to make this point again, Senators, that if we felt this had any merit, the idea of putting a label and sewing it in there and the hundred thousand dollars involved, as far as we are concerned, we would accept it immediately, and we would be a hundred percent for it. We feel that it has absolutely, will do nothing for the ultimate consumer, only confuse and mislead them. In fact, they would many times think they would be buying something that had a great durability and a great service and not getting it from the label content.

Senator POTTER. In other words, the label might mislead the purchaser as to the durability of the covering.

Mr. FRICKER. And I think if I could read a few more things and show you some fabrics, I think I could show you exactly what we are talking about, which is sometimes easier to understand if you visualize them.

The CHAIRMAN. I think I shut Mr. Carter off there. But you do have another suggestion which extends the jurisdiction. You say the interpretation of section 3 was made by the General Counsel, and he says it extends the jurisdiction of the Federal Trade Commission to the local retail level, which is authority which Congress had not granted the Commission under the Federal Trade Act. In other words, it is new.

Mr. CARTER. That is correct, sir.

The CHAIRMAN. This broadening of the FTC jurisdiction is accomplished in H. R. 469, and the Senate bill by making textile fiber products subject to the act "after shipment in commerce," on page 4, line 25. And the net effect is that any retailer in any State who sells or advertises only in his own State and makes no interstate shipments would nevertheless be subject to Federal control if the textile fiber he sells has been received from another State.

Mr. CARTER. That is correct.

The CHAIRMAN. That is correct, yes.

Mr. CARTER. I have an additional statement I thought I would make at the conclusion of Mr. Fricker's statement.

The CHAIRMAN. Let us go right at it now. The National Retail Furniture Association is opposed on general principles on the extension of Federal control on purely local intrastate retail activity. You say, "It is our opinion this is an area of trade regulations which is reserved to the State. We contend that it is invasion of States' rights and should be deleted from the bill." Now, if you have anything further to add to that, why proceed.

Mr. CARTER. I have it pretty well condensed here if I can just proceed.

The CHAIRMAN. That is a very important point, I think, in this bill.

Mr. CARTER. Well, you have prefaced my remarks so I will begin in the center here. This definition of commerce, taken in conjunction with section 3 (c), page 4, line 24, has the effect of extending the jurisdiction of the Federal Trade Commission down beyond interstate commerce into areas of intrastate commerce at the local retail level. This interpretation of the effect of section 3 (c) was made by the General Counsel of the Federal Trade Commission, hearings at the House of Representatives, April 11, 1957, page 79.

It extends the jurisdiction of the Federal Trade Commission to the local retail level which is authority which Congress has not granted to the Commission under the Federal Trade Commission Act itself.

This broadening of FTC jurisdiction is accomplished in H. R. 469 and S. 1616 by making textile fiber products subject to the act after shipment in commerce. This is page 4, line 25.

The CHAIRMAN. We have that here.

Mr. CARTER. Right. The net effect of this is that any retailer in any State who sells or advertises only in his own State and makes no interstate shipment would nevertheless be subject to Federal control if the textile fiber products he sells have been received from another State. This is an area of trade regulation which is reserved to the States and NRFA contends that section 3 (c) of H. R. 469 is an invasion of States' rights. We respectfully recommend that it be deleted from the bill.

Senator POTTER. What section of the bill are you referring to?

Mr. CARTER. 3 (c).

The CHAIRMAN. How would you police this if that was deleted from the bill? Most of the retailers that would sell the textile fiber product and the content would be stated probably only sell intrastate and advertise intrastate.

Mr. CARTER. That is correct, sir.

The CHAIRMAN. Everybody would be out of the act then; would they not? Who would be in the act?

Mr. CARTER. Well, retail——

The CHAIRMAN. The manufacturer would be in because he ships, but that would be the end of it. A retailer then, if this was not in, could take all the tags and throw them in the wastepaper basket.

Mr. CARTER. Except that that would not be the procedure.

The CHAIRMAN. I did not say he would do that. I said he could.

Mr. CARTER. That is right, but retailing in general——

The CHAIRMAN. Is intrastate.

Mr. CARTER. That is correct. And we feel that in our particular field we belong in the localized community and, therefore, when the Federal Government extends this matter of commerce, we are getting it on every bill that is coming through Congress, trying to pull the retailer into interstate commerce. We have it on a number——

Senator MONRONEY. Who does?

The CHAIRMAN. I don't want to argue the merits of the philosophy involved.

Mr. CARTER. I understand.

The CHAIRMAN. But I want to direct myself to this bill. It would be practically ineffective.

Senator MONRONEY. How does the Wool Labeling Act which this parallels—does it not apply to the retailer?

The CHAIRMAN. Certainly.

Mr. CARTER. Now, you see we are not covered by the Wool Act.

Senator MONRONEY. I thought you were arguing for a general intrastate exemption not only of upholstery fabrics but of everything under this act. In other words, if we exempt the intrastate thing after you exempt the upholstery fabrics from the act then you just drive a wedge through this bill that unless it parallels the Wool Labeling Act it would have no effective purpose at all.

I am an old furniture retailer myself of many years experience an honest competitor wishing to say that this has 80 percent cotton and 20 percent nylon would not know what he was bucking against in any other retailer's ads in the city.

Mr. CARTER. I see your point, Senator.

Senator MONRONEY. I am rather sympathetic. In fact, the first bit of testimony I ever gave when I was in the furniture business was to try to exempt upholstery fabrics from the act because it wasn't generally conceded as being a part of the general purpose of the act. But I would certainly hate to see the act opened up to where the general level of retailing was completely exempt from leaving these tags on. They come in in interstate commerce.

Mr. CARTER. Well, I am not fully qualified to completely think this thing through at this point. We have made this statement simply because we have felt the pressure of Federal control so greatly that we feel that there is some area here that we should have or not have to develop our retailing principles along the idea of Federal control.

Senator MONRONEY. If it doesn't change the philosophy of the Wool Products Act that has stood for 15 years without any troubles of magnitude, I don't see why at this late date you would want to negate the enforcement which apparently has worked well in the Wool Labeling Act. I have talked to many people in the National Retail Furniture Association and none have ever expressed a desire to make this act weaker than the Wool Labeling Act.

Senator POTTER. Does the Wool Labeling Act have a similar provision?

Senator MONRONEY. It has a similar provision.

The CHAIRMAN. I know what he is talking about. I think; what you are trying to say. But if we decide to embrace the objective of this bill, we have got to have this in; otherwise there is no use having the bill at all. There would be no way to get—after it left the manufacturer there can be no changes of it at all.

Senator MONRONEY. Every retailer has to think what his competitor is going to do. You might have 99 legitimate men who want to identify these materials in sale of dresses or clothes or anything else, but if the one competitor is exempt from the act, why, he can advertise anything he wishes to do.

The CHAIRMAN. Anyway, I will say to the Senator from Oklahoma their main objective in being here is not the philosophy involved as much as it is to get the outer coverings of furniture out of the act.

Senator POTTER. You want the same language we had in the House bill?

Mr. CARTER. That is correct.

Senator MONRONEY. And the same thing in the wool labeling bill.

The CHAIRMAN. To suggest an amendment, to use the word "upholstery" that makes it certain if we decide to take it out.

Mr. FRICKER. The one point we were discussing prior to coming in here—what about slip covers—and we certainly come to the conclusion that slip covers are not upholstery; in other words, an attached outer covering rather than a slipcover.

The CHAIRMAN. So slipcovers would be as they are.

Senator POTTER. Be covered under the bill?

Mr. FRICKER. Yes.

Senator MONRONEY. What you want to do is avoid, if this is a cloth-covered chair, the composition of half a yard of material when it represents only 2 or 3 percent of the cost of the product?

Mr. FRICKER. That is correct.

Senator MONRONEY. That makes good common sense.

The CHAIRMAN. We will put your two statements in the record in full.

Mr. FRICKER. Could I continue? I have some points.

The CHAIRMAN. I thought you were through.

Mr. FRICKER. No, I would like to make some points just to review for a moment. The thing the customer is interested in is not the fiber content; how is it going to wear, will it fade, will it fuse, will the seams hold? Durability and serviceability are the things they are interested in. And here back in the early fifties we had a lot of trouble with fabrics not standing up to what we thought they should. We had a lot of complaints, we went to our various plants, we got a breakdown as to what was happening.

Fifty-two percent of all complaints coming into our plants were seams opening up in the cushions. Fiber failure, for example, fuzzing or pilling of the surface yarns represented 28 percent. The wear represented 29 percent. Fading only 2 percent, and miscellaneous about 19 percent which was, oh, maybe 20 or 30 sundry individual complaints. Now a blending of yarn generally used for desire and color requirements for visual effects, for softness of texture and the last consideration is usually price.

Few buyers of upholstery fabrics and I would like to make this point rather strongly—few buyers of upholstery fabrics, even those employed by manufacturers of furniture are able to appraise a fabric as to its wearability, its fading, its fuzzing, its seam holding ability and all of those various things unless they have physical testing equipment.

I could not take—I could in a lot of cases because I would recognize a construction—but a new fabric shown to me and they would say how is this going to wear, fade? I am not in a position nor am I qualified without physical testing equipment to give the answer. And on that basis how can a retailer with a complete breakdown of physical or fiber content know what it means to her? She just is not in the position to understand what is on that label and it could only be confusing to her.

Now, our industry has had more complaints during the last several years, I mean in the early fifties, than in any other previous area and the reason for that has been: First, we had the TV coming into the home and the people were moving back into the living room where they hadn't been for quite sometime and furniture was getting more usage in one year than they had had in the previous 20 years. We liked that very much, but it was very hard on furniture and fabrics.

Senator POTTER. Has television done that?

Mr. FRICKER. Television has done it. It has been the greatest boon to our business. We had nothing we could do promotionally that television did for us. The second has been that the fiber failure or the inability to standardize the requirements of that demand which was completely new and different than anything that had been put before us in many years.

Now, for examples of costly adjustments by manufacturers like ourselves or retailers of thousands of suites of furniture upholstered in nylon, Dacron, and fiber and thick and thin it had to be replaced. These were presented as desirable and highly advertised and promoted by the originators. Unfortunately they didn't work out at the beginning. After a lot of research work and so forth, many of them have worked out. Nylon was introduced and we first ran into a considerable amount of pilling trouble. It fuzzed or pilled and the fabric itself probably would have worn for 30 years but I am sure that none of your wives would have liked to have seen a beautiful living room suite all fuzzed up or pilled up like a wool sweater or a Dacron sweater would look. That is what happened when nylon was first introduced. Today that is completely passed and we are in good shape on it.

Senator POTTER. Do you have any trouble with your nylon or other type of synthetics of static electricity in the furniture?

Mr. FRICKER. Very, very minor and again it comes back to blending many times and we don't use fibers many times to make a fabric cheaper, we do it for a visual effect, softness of texture, to eliminate static, or some other undesirable that might be in the fabric. We might introduce a completely different fiber along with two or three others. It has nothing to do with the wearing or service characteristics.

The CHAIRMAN. Don't you advertise—well, maybe cleanbuilt is the word.

Mr. FRICKER. We do occasionally advertise clean-built on only two types of fabrics, first would be on a nylon fabric, where it is a hundred percent nylon, not just a blend. Second, when it is a plastic fabric like a vinyl plastic of that character. We might advertise cleaning. Other than that it is a very precarious thing. She might use Tide, Carbona; she might use any other type of cleaning and it is a very precarious thing to do.

The CHAIRMAN. If the furniture is on television and she looks at the furniture and buys it, she will have plenty of opportunity to find out what to use to clean. There is a lot of selection there.

(Laughter.)

Mr. FRICKER. There are just a couple of other points I would like to make and show you some fabrics. Cotton, for example, has always had the reputation of being the least desirable of the current fibers used in upholstery fabrics. Its principal advantage has been low cost. At present the very sizable portion of fabrics have cotton content. If this proposed bill went into effect there is only one thing we would be forced to do, would be to demand from our suppliers that the cotton content of many of these fabrics would be decreased or completely eliminated.

At a retail level, rightly or wrongly the customer is thinking, cotton, for example, doesn't wear as well as mohair or nylon or some of the other fibers. It soils very quickly, it sucks in like a blotter. You can't clean an upholstery fabric of cotton as well as you can nylon. So the word "cotton" in an upholstery fabric is more or less an undesirable thing.

Senator MONRONEY. Would it also be true that many of your velours type of pile fabrics have a cotton base which is misleading to the customer because they are thinking only of the wearing surface, so

you would have that heavy cotton content that is necessary to carry your superior fibers like mohairs and wools that the customer really thinks he is buying.

Mr. FRICKER. That is a very good point. Here is a hundred percent nylon surface freize, would wear, clean, have all the characteristics. The back is a hundred percent cotton and we would have to present it to the customer.

Here is a nylon cotton freize. Right away, the woman is thinking in terms of cotton.

Senator MONRONEY. Roughly, your cotton would show 50 percent on that?

Mr. FRICKER. That is right. I brought this cloth down not for that reason, but it demonstrates it. We are interested in our industry in giving a performance standard. In other words, I believe all your wives—I know mine—how is it going to look when over a period of months as it wears?

Here, for example, is a very expensive cloth. It is an experimental cloth. We are fixing it up in the coming April market. Here is a cloth with a cotton backing that tears like paper. Now, who would know that on a retail level regardless of the fiber content. Now I am changing that cotton backing to a coloray, a solution dyed acetate yarn to make that back strong, so it will give service and it won't break out in the middle of a cushion so that all of the characteristics of nylon that we promote will not be deteriorated and pulled apart because the thing is a tender cloth.

You might pass that around. If you care to, tear it yourself.

The thing is this, gentlemen, that I can try it and you can try it—

Senator POTTER. That is not South Carolina talk.

Senator THURMOND. Let me see you try it where it isn't cut.

Mr. FRICKER. I have a bad finger here.

Senator MONRONEY. That is, when you get a break in the fabric, it means it does tear without resistance.

Mr. FRICKER. That is correct. This fabric has been tested and I can show you the card here. All of our tests of the individual fabrics are put on these cards and this fabric took a 4-pound tear test.

In other words, in a Scott test meter, which is a meter that most of the fabric people have, it took 4 pounds. Our minimum standard is a 7-pound test.

Now, maybe I should go through our standards. It would take me 2 or 3 minutes.

The CHAIRMAN. We want to hurry along here. I don't like to do this, but we have some other witnesses.

Mr. FRICKER. Let me show you some other samples here. Here is a nylon frieze that is torn apart at the seams. In other words, a cushion in your home could have been pulled like that and I will show you an exact cushion coming back made out of nylon and cotton which had to be replaced because it had nothing to do with the fiber content except for the construction of the cloth and so forth. Now that cushion there in some woman's home opened up and it was nothing to do with the fiber content at all. This is a very expensive cloth. It was a cloth you pay \$20 for in a retail establishment. And

it opened up at the seam there and just to show you what can happen. We can make it out of any fiber in that identical——

Senator MONRONEY. As an old furniture man, I want to ask you: Did you give her a new living-room cot?

Mr. FRICKER. We recovered it, and it cost us about \$125.

Senator MONRONEY. It would have been cheaper to give her a new suite.

Mr. FRICKER. That is right. Here is a very desirable cloth again that takes a 3-pound tear. We are going to have to change that construction.

Here are a number of cloths that have fuzzed up very badly. Why don't you pass some of those around, if you can see them.

You notice the surface after a very short time has fuzzed up. Most of these are marked as far as the textile fiber content is concerned and has very little to do with the actual fuzzing of the cloth. They are basically the constructions of the cloth rather than the fiber content.

The CHAIRMAN. Is this stuff you bought?

Mr. FRICKER. These are things that are submitted to us, we test them and then after testing them if we find—now the only thing wrong with that cloth, Senator, is its fuzzing characteristic. The only thing wrong is fuzzing in that cloth.

Senator POTTER. Do you have any cloth that won't burn? That is one of our business hazards.

Mr. FRICKER. No; they can be treated.

The CHAIRMAN. This is 50 percent cotton and 50 percent viscose.

Mr. FRICKER. The cotton is the thing that is fuzzing. The viscose hasn't fuzzed on that particular cloth.

The CHAIRMAN. The backing.

Mr. FRICKER. The face is all cotton. I was talking about the case. If you hold them up and look across them you can see the fuzzing characteristics.

Senator MONRONEY. You labeled that 50 percent cotton; you mean 50 percent facing?

Mr. FRICKER. That is right.

Senator MONRONEY. If the bill applied to upholstery, you would have to say 75 percent cotton, 25 percent viscose, probably.

Mr. FRICKER. Here is one that is all fuzzed up again. Here is a very desirable hundred percent nylon cloth, an expensive cloth except it fuzzed very badly and we wouldn't dare run it because the customer would be very disappointed in it.

Here is an expensive cotton, very expensive thing all fuzzed up. We wouldn't dare run it.

Senator PAYNE. That one there looks as if there was a cat in the house.

Mr. FRICKER. That is right.

Here is another one that shows it very badly. This happens to be viscose, nylon, and cotton. The thing that is fuzzed cotton again.

The CHAIRMAN. What do you finally end up with?

Mr. FRICKER. We finally end up that those cotton fibers might have to be a few additional twists, a longer staple.

The point I am trying to make is, it is not the fiber, you have to qualify it by all of the other things that we have found——

The CHAIRMAN. I mean what you end up with fiberwise is the same type of material but a different texture.

Mr. FRICKER. We might end up with exactly the same appearance expect that we would change the twist in the yarn.

The CHAIRMAN. Different texture.

Senator PAYNE. Is the weave different?

Mr. FRICKER. No; the weave in that cloth would be the same.

The CHAIRMAN. You still end up with some cotton and nylon.

Mr. FRICKER. Many times, no. We would make a switch.

The CHAIRMAN. But the ingredients in the textile would be that?

Mr. FRICKER. We might change.

The CHAIRMAN. The percentage might change?

Mr. FRICKER. Yes.

The CHAIRMAN. But there would still be some cotton in these things.

Mr. FRICKER. In a couple of those I would say no; in others, yes.

The CHAIRMAN. Any nylon?

Mr. FRICKER. We would have the same.

The CHAIRMAN. What I think you are saying is that percentages in the weave and many other things, change back and forth, and might make a better piece of fabric.

Mr. CARTER. That is right, the wear qualities and the parts that go to make it up.

Mr. FRICKER. I think in one sense, only a combination of good construction, serviceable yarns, and desired texture can accomplish a good fabric and the fiber content has nothing to do with it.

A woman, for example, comes in and looks at any one of these bad fabrics from a service standpoint, "I like that fiber content, I want that." She buys it, and she is going to be very unhappy, and we are going to have a complaint.

The CHAIRMAN. You might hit upon a fiber content that would make her happy, and she might want to come in and buy that.

Senator MONRONEY. Isn't the primary difference not so much in the fiber content but in the weight of the fabric itself? In other words, a sleazy fabric could be a hundred percent nylon or anything in the world, but if it was lightweight against a heavyweight cotton or a heavyweight wool it would be misleading.

In other words, you can advertise a hundred percent nylon, and it wouldn't be nearly as good as a hundred percent cotton if the weight of the cotton was a great deal heavier in the material.

Mr. FRICKER. That is important. And another is the actual construction of the yarn that you weave into it. It fuzzes; it doesn't wear well.

The CHAIRMAN. All right. I think we understand what the witnesses are saying.

Mr. CARTER. Thank you very much.

Senator MONRONEY. May I say that the reason Kroehler is so concerned is that they build the frames and springs so good they have to have a very long wearing fabric so the fabric won't wear out before the rest of the furniture does.

The CHAIRMAN. That is what I suggested. This other coverage of furniture sort of misses because the frame wants to be complemented by something that will stand up and therefore it is to their best interests that they do have something that stands up.

Senator MONRONEY. What does a cheap suite sell for now? We used to get \$69.50.

Mr. FRICKER. \$139.

The CHAIRMAN. You were in business a long time ago.

Senator MONRONEY. I was in the furniture business. I bought many carloads of Kroehler furniture, and it is good furniture.

But the point I am making is, you put a cheap cover on the cheap suite but the content of the material has little to do with it because as you go up in price of the frame you go up in price on the covering.

The CHAIRMAN. Where do you manufacture your furniture?

Mr. FRICKER. We have 20 plants all over the United States and Canada. We do \$92 million worth of business a year and that is bigger than probably our next 8 competitors together.

Senator POTTER. We have lost some of our furniture plants in Grand Rapids.

Mr. FRICKER. They seem to be making a comeback. We are very thankful of it because they make very fine furniture.

Senator POTTER. Good furniture is made there.

Mr. FRICKER. In all of these comments there is one point I would like to make and that is it. We are talking about 90 percent of the buying public. We are not talking about the type of fabric that a decorator would get into—they might buy an unusually fine fabric.

The CHAIRMAN. Custom made.

Mr. FRICKER. That is right. We are talking about production volume furniture for the majority of the people.

The CHAIRMAN. The custom-made business is growing quite a bit?

Mr. FRICKER. Well, no; not too much.

The CHAIRMAN. Out in our country it is a little more because we still retain a few old Scandinavian cabinetmakers, and they are hard to find.

Mr. FRICKER. Do you have some other questions?

The CHAIRMAN. Thank you very much. We appreciate your testimony.

Mr. CARTER. Thank you.

Mr. FRICKER. Thank you.

(The supplemental testimony of the National Retail Furniture Association is as follows:)

NATIONAL RETAIL FURNITURE ASSOCIATION,
Washington, D. C., March 4, 1958.

Subject: H. R. 469, textile labeling extension of FTC jurisdiction to intrastate commerce at local retail level.

HON. WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: We are herewith supplementing our testimony given at your public hearing in Washington on H. R. 469 and S. 1616, on Thursday, February 27, 1958.

We hope you will agree to insert this letter as part of the record, at the point following the conclusion of our testimony, because it bears on questions asked us by members of the committee at that time.

In connection with our recommendation that section 3 (c) of H. R. 469 of the proposed act be deleted, because it would extend the jurisdiction of the Federal Trade Commission down beyond interstate commerce into areas of intrastate commerce at the local retail level, there was some discussion at the hearing to the effect that retailers doing only intrastate business were already subject to such Federal control under the Wool Products Labeling Act.

We find that purely local retail intrastate selling, advertising and shipping of wool products are not covered by the Wool Products Labeling Act of 1939.

Under that act, the Federal Trade Commission would have to prove that the retailer is in interstate commerce before they could successfully bring a complaint of selling and shipping misbranded wool products against him.

The only action for which a retailer doing intrastate commerce could be held to be violating the Wool Products Labeling Act would be "the removal or mutilation of any stamp, tag, label * * * with intent to violate the provisions of the act." (Sec. 5, Public Law 850, 76th Cong.)

This is the only action for which local retailers selling and shipping in intrastate commerce have a responsibility under the act.

Under section 7 of the act, there is authorization for condemnation and injunction proceedings against wool products "held for sale or exchange after shipment, in commerce, in violation of the provisions of this act." It will be noted that under the provisions of section 7 the proceedings are against the wool products themselves, not the retailer.

During the hearings, testimony was given by witnesses and comments made by members of the committee generally to the effect that the Wool Products Act has worked satisfactorily. We wish to point out that if this is indeed the case, then this satisfactory operation of the act was achieved without bringing retailers doing only intrastate commerce under the kind of FTC control proposed in H. R. 469.

On the other hand, H. R. 469 would go much further. It would give FTC jurisdiction over the intrastate selling, shipping and advertising of misbranded goods by purely local retailers not in interstate commerce. We contend this is a substantial expansion of FTC jurisdiction over local retail intrastate selling, advertising and shipping, when compared with the provisions of the Wool Products Labeling Act, and the jurisdiction of FTC under the Federal Trade Commission Act itself.

In the debate on H. R. 469 in the House of Representatives on August 14, 1957 (Cong. Rec., p. 13437), it was pointed out by members of the House Interstate and Foreign Commerce Committee that "under the Federal Trade Commission Act, the Federal Trade Commission does not have jurisdiction—at the local retail level."

Presumably, the purpose of this statement was to draw attention to the fact that H. R. 469 greatly extends FTC jurisdiction over the actions of local retailers in intrastate commerce.

We contend that if section 3 (c) of H. R. 469 (and presumably section 3 (b) also) are not deleted or amended, then purely local retail sales, advertising and shipping activities in intrastate commerce will be subject to FTC control whereas this was not the intent of Congress under the Wool Labeling Act.

It is the recommendation of National Retail Furniture Association that H. R. 469 should be amended as follows:

Sec. 3 (b), lines 17 and 18: Strike out "which has been advertised or offered for sale in commerce"; line 16, after "transported," insert "in commerce,".

Sec. 3 (c), line 25, delete "after shipment."

Our association takes the position, as we testified, that "outercoverings of furniture, and upholsteries" should be exempted from the provisions of H. R. 469 and S. 1616.

Our association, as a general principle, is opposed to Federal intervention in retailing because of its local character. Our members believe that such business regulation as is needed should be enacted at the State or local, not Federal, level.

It is for this reason that we call to the attention of members of the committee the need for the amendments and deletions in sections 3 (b) and 3 (c) of H. R. 469. Section 3 (b) of S. 1616 needs similar deletion, in our opinion.

We believe that the proposals for this broad extension of FTC jurisdiction to hundreds of thousands of retailers in intrastate commerce at the local level deserve the most careful consideration of the members of the committee, because of the broad precedent which would be established in the field of trade regulation.

Many thanks to you, Senator Magnuson, and your fellow Senators present at the hearing, for your kindness and for the opportunity to file this letter for the record.

Yours sincerely,

R. E. CARTER,

Vice President, National Retail Furniture Association; Chairman, Governmental Affairs Committee.

The CHAIRMAN. Now the Senator from South Carolina has a constituent here he would like to introduce, and who is also interested in this same general part of the bill.

Senator THURMOND. Mr. Chairman, the next witness is Mr. W. C. Daniel, assistant to the president, Dan River Mills, Inc., Danville, Va.

I was in college with W. J. Erwin, the president of Dan River Mills, and he is a very capable, outstanding mill executive.

Mr. Daniel is his assistant and occupies a very responsible position. He is not a native of my State nor a constituent of mine, but he is a friend of mine. He is a great American. Mr. Daniel served as national commander of the American Legion, I believe it was last year or year before.

Mr. DANIEL. Last year, sir.

Senator THURMOND. He is known well and favorably throughout the United States. He is held in high esteem by leaders in Government, in business, and other phases of American life.

He is a great citizen and a great American, and it is indeed a pleasure for me at this time to present Mr. W. C. Daniel, assistant to the president of Dan River Mills.

The CHAIRMAN. We are glad to have Mr. Daniel here. The chairman knows Mr. Daniel. All of us Legionnaires know Mr. Daniel.

Mr. DANIEL. Thank you very much, Senator Thurmond, for those gracious remarks.

The CHAIRMAN. We will be glad to hear from you now.

STATEMENT OF DAN DANIEL, ASSISTANT TO THE PRESIDENT, DAN RIVER MILLS, INC., DANVILLE, VA., ACCOMPANIED BY DR. H. Y. JENNINGS, DIRECTOR OF RESEARCH

Mr. DANIEL. Mr. Chairman and gentlemen of the committee, my name is Dan Daniel. I am here today representing Mr. W. J. Erwin, president of Dan River Mills, Inc., a common stock company with headquarters in Danville, Va. We are grateful for this opportunity to present our views on the subject before you.

Our manufacturing operations are located in Danville where we produce in the main fine combed cotton goods; in South Carolina where we produce mostly print cloth and synthetic fabrics; and in Georgia and Alabama where we produce industrial gray goods, gabardine, corduroy, cotton blankets, and decorative fabrics. Our products are distributed through regional sales offices located strategically throughout the United States and Canada.

I believe a brief description of our facilities is necessary in order that you may fully grasp the scope of our operations. In Danville alone, our company employs more than 10,500 persons with a weekly payroll in excess of a half-million dollars. Overall, we employ almost 18,000 persons and our multiplant operation operates more than 800,000 spindles and over 18,000 looms. Each year, we purchase approximately a quarter of a million bales of cotton from the Atlantic to the Pacific coast and thus I think that we may be considered a real friend of the cotton grower.

Gentlemen, it is not my purpose here this morning to question the motives of the sponsors of the legislation before you for consideration. Rather, my objective is to point out that the enactment of this

bill—"An act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products"—will in no way accomplish its stated purpose. As it is now written, it will not only be burdensome and expensive to the manufacturer—a point which I will touch on briefly in a moment—but far more important, it will do real mischief to the consumer by lulling him into a false sense of security and cause him, if I may use a colloquialism, to buy a "bill of goods." I say this because mere fiber identification per se does not give any real clue to the end use of the fabric. The ultimate consumer, however, who, for the most part, is fairly ignorant of fabric construction, will, if this act is passed, buy fabrics with increased confidence in their quality simply because these fabrics have the fiber content identified by percentages.

I shall come back to the consumer point of view in a moment. But first allow me to give you the viewpoint of my company which is presently producing in its Danville and Alabama operations more than 141,000 miles of cloth annually. It is all very well to say, identify your fabrics. It is another matter to do so. Let me give you a few specifics.

H. R. 469, in its present form, states that all fabrics not manufactured for distribution to the ultimate consumer are exempt from specific labeling by the manufacturer. All that is needed is an invoice accompanying the goods detailing the fiber content by percentages of the fabrics shipped to the mill's customers. On the surface, this seems reasonable. In actual practice, this provision will reduce by very little the burden which will be placed upon Dan River Mills. A great majority of Dan River's customers prefer to use the company's hang tags on the finished garments.

Thus, should this bill be enacted, it will become necessary for us to reprint not thousands, but millions of tags, detailing the fiber content of the numerous fabrics Dan River is presently offering the consuming public. The expense of doing this is one thing. The result is quite another, for when different fibers are blended, many things can happen. A cotton fabric, for example, containing a 5- or 10-percent synthetic content, must be finished in a cotton-finishing process. What happens to the synthetic fiber? Quite frankly, in many instances it loses a percentage of its weight under the best conditions and, if improperly finished, may lose its identity completely. Thus, a 95-percent cotton—5 percent acetate in the grey goods may become 98 percent cotton—2 percent acetate or any variation of same after the cloth has been finished. And, unfortunately, the manufacturer cannot tell with any degree of accuracy what this variation will be on any certain lot of goods. Yet he will be liable for deception under the act no matter how innocent he may be. Consequently he becomes liable to court suits and greater Government harassment than is now the case, if such be possible, but without any real good to the consumer. Does this make sense? I think you will agree, gentlemen, that it does not. On the one hand, the manufacturer may and probably is guiltless of any willful wrongdoing. On the other hand, the agency delegated to police this act will be unable to consider innocence of intent for it will be guided in exact measure by the wording, intent, and interpretation of this law.

I have spoken thus far of fabrics manufactured by domestic producers which are in the form of cloth rather than finished garments ready for sale to the consumer. Now let us consider for a moment the fabrics which Dan River Mills produce for immediate delivery to the ultimate consumer.

These include over-the-counter goods made up in the form of 25-30-yard bolts; handi-cuts which are so named because they are put in 4-yard lengths as a convenience to the American housewife; and bundled goods which consist of 10-20-yard lengths of cloth of many varieties shipped in 500-yard lots. What is our obligation under the act in regard to such goods?

I would call your attention first to our "handi-cuts." These we ship 50 pieces to a case, each piece different as to style and/or pattern. A case of 50 handi-cuts is now designated assorted dress goods or whatever the general classification of goods involved is.

Under H. R. 469, it will be necessary to label each 4-yard piece according to its fiber content. There is no necessity of persuading you of the burden this will involve for the implications leap to the eye. Under present procedures, goods sent to our handi-cut department to be cut into handi-cut lengths lose their identity. Under procedures as set forth in this act, it will be necessary for us to label each 4-yard piece in the literally thousands of boxes of handi-cuts we ship each year. This will involve an almost impossible burden of recordkeeping and, even more important, will do no ultimate good insofar as the consumer is concerned.

Now what about our bundled goods? We simply cut them up into short 10-20-yard pieces and ship about 35 such pieces, or approximately 500 yards in 1 case. At present, these are designated as assorted goods which we believe is a reasonable designation. Under the proposed labeling act, however, each separate piece will have to be labeled and its identity retained until sold to the ultimate consumer. Will fiber identification, in such a case, be of any particular value to the consumer? Unfortunately, no. In a moment, I will amplify my reasons for reiterating again and again that this act will serve no useful purpose to the ultimate consumer and will, in fact, tend to deceive him. But first, allow me to digress for a moment in order to inform you of some of the basic economics connected with the textile industry, facts which have an important connection with this act.

Right now, retail prices of textile products are deflated below those in effect prior to the Korean war. Yet manufacturing costs and costs of raw materials have increased immeasurably. Would you now ask us to burden the consumer with higher prices because of the increased expenses which will evolve upon us under the requirements set forth in H. R. 469, thus further depressing our markets and placing additional hardships upon the millions of workers dependent directly and indirectly upon the textile industry?

Many economists say that industry is partly to blame for inflation because the increasing costs of doing business are passed on to the consumer in the form of higher prices. I think the record will bear out that the textile industry has never been guilty of this and we do not wish to begin at this time. Most important of all, however, is the fact that stagnation of industry and loss of jobs always follows excessive, needless Government controls.

Have the proponents of this legislation bothered to consult with the manufacturer in order to ascertain what effect this labeling act will have upon him? To my knowledge, the answer is "No." Have the proponents of this legislation bothered to find out how cumbersome this legislation will be to police properly? Again I say, to my knowledge, "No." Have the proponents bothered to survey the consuming public to determine what benefits, if any, will accrue to them by enactment of this labeling act? This answer finally, is to my knowledge "No." And to make these arguments complete, has the Federal Trade Commission received any complaints from consumers? Not that I have ever heard.

Which brings me to the most important point of all: What will this act mean to the consumer? Will it protect him from the duplicity of unscrupulous manufacturers, from erroneous advertising, from goods which are not serviceable and will not wear? Let us examine these points and determine whether this act will do what its sponsors propose—protect the consumer.

There is no better way to examine these questions than to give you a few very practical, very realistic examples.

At Dan River, we are manufacturing a fabric containing 35 percent cotton and 65 percent Dacron. It is so advertised. Based on our experience there will be an overall variation of 2–5 percent for which we are not responsible. Nevertheless we will be criminally responsible under the act for technical factors which we are unable to control.

We blend cotton with certain manmade fibers in the sliver and roving stages of manufacture. Manmade fibers have a tendency to bunch up when blended at this state, thus creating a certain amount of variations.

Dan River manufactures a fabric in which 5 percent acetate is blended with 95 percent cotton. This fabric must, of course, be finished in the cotton-finishing process. Acetates, however, as noted before, no matter how well they are mechanically blended, tend to lose weight when so blended but this change in weight ratio varies to such an extent that it is impossible to set up any exact standards of fiber content.

Again, of two fabrics of identical fiber content—rayon and acrylic—one might be entirely satisfactory for a pleat retentive skirt and the other entirely unsatisfactory, depending on whether the acrylic was in the warp or filling yarn. Thus, fiber identification per se is no guaranty of textile performance.

A pair of men's slacks or a woman's skirt might be properly labeled an acrylic fiber, giving the impression that it is completely washable, only to find that when the garment is laundered, its pockets or trimming has been of different material which shrank so as to mar the appearance of the garment. Thus, fiber identification per se is insufficient information for apparel maintenance; that is, to show whether a garment may be washed or must be dry cleaned to avoid excessive shrinkage or color fading.

Now, I would like to call your attention to a typical Dan River fabric. It is 100-percent cotton. What does this all cotton designa-

tion mean when so labeled to the ultimate consumer? It can mean a great variety of things. Here are some examples:

The designation 100-percent cotton gives no consideration to staple length. A garment advertised as all cotton could contain a blend of maximum and minimum staple lengths or, in fact, all minimum lengths of about $\frac{3}{4}$ -inch. In either case, and regardless of the 100-percent cotton content, such a garment will not have the wearing qualities or serviceability of a fabric manufactured from long staple cotton.

The designation 100-percent cotton gives no consideration to the fineness or character of the cotton fiber. The better cottons have much finer fibers in their cross sectional construction than do lower grade cottons which have extremely coarse fibers.

The designation 100-percent cotton gives no consideration to the grade of dyestuffs used in the colors of the garment. The consumer wants to know whether the dyes will stand up under ordinary usage, not fading in the sunlight or bleeding when laundered. If the dyes do not stand up, has the knowledge of fiber content helped the consumer in any constructive way?

The designation 100-percent cotton gives no consideration to the types of finish used in the cotton-finishing process. A manufacturer could use a resin finish which is highly chlorine retentive. This means that the fabric will break down when bleached at a commercial laundry. Here again, knowledge of fiber content will not help the consumer.

The designation 100-percent cotton gives no consideration to construction. An all cotton garment may be 80 by 80 thread count or 40 by 40. Yet only the 80 by 80 construction would serve satisfactorily the customary requirements of print cloths. And only an 80 by 80 or even closer construction would be suitable for rainwear for with a loose construction, the fabric would leak regardless of the amount of water repellent finish applied by the manufacturer.

The foregoing examples could be multiplied many times over but they suffice to demonstrate that the construction of a fabric for an intended end use, the satisfactory performance of a garment and how it can be serviced or maintained, are much more important to either the buyer in the trade or the ultimate consumer than is the mere identification of fiber content.

One other point I want to mention is the effect the Wool Labeling Act, which became effective in 1941, has had upon the wool industry. It, too, was advocated as a protection to the consumer. Its purpose was to increase the use of "virgin" wool as opposed to "reprocessed" or "reused" wool, both of which many people in the wool industry consider equal to or better than "virgin" wool for certain end uses.

At any rate, regardless of the reasons for its enactment, the legislation passed and since that time the United States consumption of apparel wool has declined from 515 million pounds in 1941 to 285 million pounds in 1955. I am not suggesting that the Cotton Labeling Act would have the same effect on cotton as the Wool Labeling Act had on the consumption of wool, but I do not believe that we can discount the fact that it might very easily have an adverse effect for the obvious reasons I have already cited.

The reasons I have given for opposing this bill are but a few of the most compelling ones. I have not mentioned, for example, the problems involved in advertising textile products for an analysis of the

difficulties which our advertising department would have to face is very difficult to make at this juncture. I have not outlined the problems involved in the mammoth amount of recordkeeping which would be required in an organization of the size of Dan River Mills or detailed the problems involved in maintaining absolutely accurate fiber identification throughout all the many manufacturing processes, a virtually impossible requirement with certain synthetic blends. I do not believe, however, that these are the most compelling reasons for opposing this act.

In my best judgment, the most compelling reason for not enacting this proposed legislation is that it will serve no useful purpose insofar as the ultimate consumer of textile products is concerned and that, gentlemen, is the basis on which the proponents of this bill have argued for its enactment. I think that had these proponents consulted the textile producers, had they studied the technicalities involved, and had they given any reasonable consideration to the points which I have raised this morning, they would agree that it would be in the best interests of the American people if this act had never been brought to the attention of the Congress of the United States.

I respectfully urge, therefore, that this committee reject H. R. 469.

Mr. Chairman, members of the committee, I thank you for this opportunity to appear before you gentlemen and for the purpose of presenting our views on the subject before you, we are certainly sincerely grateful. As Senator Thurmond told you, Mr. Irwin, the president of Dan River, is out of the State, in Alabama, and was unable to be here. The first point that I would like to make, sir, is this:

This bill, as I understand it, is proposed by the cottongrowers, primarily.

I would like to demonstrate that we are a friend of the cottongrower and, certainly, would like to see his interests protected, and that is evidenced by the fact that each year we process approximately a quarter of a million bales of cotton each year purchased from the Atlantic to the Pacific oceans.

The CHAIRMAN. I might say that I think it is a correct statement to say that the cotton people were the prime proponents of this bill, but I think the testimony will show that many of the fiber people are also in favor of the general objective of the bill—and many other groups. But it is fair to say that the cotton people were the main, original proponents of the legislation.

Mr. DANIEL. It was certainly not my intention to exclude anyone. Certainly, our purpose here today is not to question the motives of those who proposed this legislation, but simply to demonstrate that enactment of this bill will in no way accomplish its stated purpose. As it is now written, it will not only be burdensome and expensive to the manufacturer, but in our judgment and far more important, it will do real mischief to the consumer by lulling him into a false sense of security, and I say this because mere fiber identification, per se, does not give any real clue to the end-use of the fabric.

It is all very well to say identify your fabrics. It is another matter to do so. And what I would like to do, Senator, with your permission, sir, is to give some practical demonstrations which I think will take a very few moments and will conserve a lot of time here. With your permission, also, I would like to have as a witness with me my col-

league, Dr. H. Y. Jennings, who is director of research at Dan River Mills.

The CHAIRMAN. We are glad to have him.

Mr. JENNINGS. Thank you, sir.

Mr. DANIEL. H. R. 469 in its present form states that all fabrics not manufactured for distribution to the ultimate consumer are exempt from specific labeling by the manufacturer. All that is needed is an invoice accompanying the goods, detailing the fiber content by the percentage of fabrics shipped to the mill's customers.

On the surface, this seems a reasonable procedure. But let me demonstrate if I may certain practical problems involved so far as Dan River Mills is concerned.

Last year we did about \$168 million of business. About \$23 million of that business was in over-the-counter goods, selling to the ultimate consumer.

Here is a piece of dress goods that loses its identification when it goes through the processing at Dan River. This piece of goods is sold over the counter to the ultimate customer. It would be extremely burdensome and costly for Dan River to identify each piece of these goods because we have between 3,500 and 4,000 different fabrics at Dan River.

Another very practical problem is in our bundled goods.

The CHAIRMAN. Is that cotton?

Mr. DANIEL. Yes, sir. That is all cotton, exclusive of the decoration.

Now, this is what we call bundled goods. Now, if we are required, as is stated in this act, to identify each piece of this cloth, you can well understand what a tremendous burden that would be to us and how costly it would be.

Last year, for example, in 1956, we used some 400 million of these tags on our garments or on our fabrics that we used, and, of course, that would mean the reprinting of all these tags which we have—I don't know how many million on hand, but certainly a lot of them, and we estimate the cost at about a quarter of a cent apiece.

Senator MONRONEY. Is all that bundle the same cotton content or does it vary?

Mr. DANIEL. No, sir; it could be anything, Senator.

Senator MONRONEY. But the tag you put on it is on the whole bundle; is that correct?

Mr. DANIEL. That is correct. In other words, this is designated "assorted dress goods" when we sell it to the customers over the country.

The CHAIRMAN. I may be wrong, but that would be the sort of thing that would be sold mainly in your country stores, would it not?

Mr. DANIEL. Not necessarily, sir. It has a very wide distribution.

The CHAIRMAN. Small quantities.

Mr. DANIEL. No, sir; it is really sold by our biggest account.

The CHAIRMAN. It is?

Mr. DANIEL. Yes, sir.

The CHAIRMAN. But I have seen that in country stores.

Mr. DANIEL. Yes, it is sold in country stores. Well, we are a country company really.

Senator POTTER. Could I see the tags?

Mr. DANIEL. Yes, sir.

(Tags are handed to Senator Potter.)

Senator POTTER. Do you tag the whole bundle?

Mr. DANIEL. No sir, on this we simply have a sticker, at the present time, Senator Potter, stating that this is assorted goods. That is the only identification that it has, because as the gentlemen who preceded us here pointed out, we believe that fiber identification adds very little, if anything, so far as the consumer is concerned.

The CHAIRMAN. Let me ask this. What if you put on that label on the bundle "assorted cotton goods"?

Mr. DANIEL. That would not be a proper identification because all of it is not cotton. There might be a blend of some type in there.

The CHAIRMAN. I see. Cotton would be the main ingredient, would it no?

Mr. DANIEL. Yes, sir. I would say—Dr. Jennings, you can correct me if I am wrong—but I would say that we could conservatively report to you that 90 percent of the fiber that we use in our manufacturing process is the cotton. Would that be a proper statement?

Senator MONRONEY. In the assortment, would you say that 90 or 95 percent of that is cotton?

Mr. DANIEL. Yes, sir; I would.

Senator MONRONEY. Could you just rubber stamp on the package if the bale were shaped so that the contents of this entire package represent an aggregate of 90 percent cotton and 10 percent assorted minor fabrics or something?

Mr. DANIEL. Well, sir, would we be within—I don't believe, as I read the bill, that we would be within the limits of the law if we did that.

Senator MONRONEY. That is what I was talking about. The bill is subject to change. One of the reasons we like to have these hearings is to find out if a bill can accommodate situations and still reach the objectives of the proponents.

Senator POTTER. I notice on one of these tags you have 65 percent Dacron and 35 percent cotton.

Mr. DANIEL. The vast majority of our customers desire and request to have the Dan River label on their garment when they hang it in the showcase.

Senator POTTER. Is it common for you to put the percentage of the fiber content as you have here?

Mr. DANIEL. In some instances, Senator Potter, it is. In this instance, these are the exceptions that I am talking about, we would not.

Senator MONRONEY. You could, if the bill were changed, say in assorted fabrics sold as a lump-sum package that in compliance with the law could be determined as to the aggregate content of the cotton and other minor materials, could you not?

Mr. DANIEL. Senator Monroney, I would say that that would make the bill objectionable.

Senator MONRONEY. Thank you.

Mr. DANIEL. As far as we are concerned, from the standpoint of a cost factor.

Now, there is one other point that I want to make here, and then I want to turn this discussion over to Dr. Jennings, with your permission, sir, and that is this: To ask some questions that I am not sure I know whether I know the answer to or not, but I would like to pose these questions and say to my knowledge that they are not answered.

Have the proponents of this legislation bothered to consult with the manufacturer in order to ascertain what effect this Labeling Act would have upon him?

Have the proponents of the legislation bothered to find out how cumbersome this legislation would be to police properly?

Have the proponents bothered to survey the consuming public to determine what benefits, if any, will accrue to them by the enactment of this legislation?

And, finally, has the Federal Trade Commission received any complaints from consumers? So far as we have been able to determine, they have not.

Senator MONRONEY. Could I ask you a question?

Mr. DANIEL. Yes, sir.

Senator MONRONEY. This bill, I believe, if I remember correctly, is sponsored by the American Cotton Council.

Mr. DANIEL. Yes, sir.

Senator MONRONEY. And it is my understanding—

Mr. DANIEL. One of the sponsors.

Senator MONRONEY. That is an all-embracing organization of not just the growers, but the distributors of cotton, and I thought the mills—

Mr. DANIEL. Senator, I desired to make that point later, but since you have raised the question, I will do it at the moment.

Dan River Mills is a member of the American Cotton Manufacturers Institute, ACMI. My information is that testimony has been presented here which left the impression that the entire manufacturing unit has endorsed this bill. That, to my knowledge, is not true. My understanding is that the American Cotton Manufacturers Institute has taken the position that they will not oppose the bill unless it is later determined that the adoption of the bill will adversely affect the consumer.

The CHAIRMAN. Did they testify in the House?

Mr. DANIEL. I do not know, sir.

The CHAIRMAN. You see, this bill has been here now for pretty near a year.

Mr. DANIEL. I am not sure, Senator Magnuson, whether or not—

The CHAIRMAN. It passed the House last August.

Mr. DANIEL. To my knowledge, the ACMI has not testified.

The CHAIRMAN. It would be helpful if the organization, such as yours, coming in here to propose certain modifications and objections—if they would come in early and give us the benefit of their experience. We would be in a very difficult position in Congress if everybody waited until we got a bill ready, and then they say, "Because you have not drawn it the way we like it we are going to take all of our vast organization and resources to oppose it." Our purpose—I do not think members of this committee have any particular knowledge of this matter—is to get as liberal an education as we can. We have

gone from diapers to furniture to floor coverings. We are going to have courses in brassieres here next. I would hope that you big organizations would come and give us the benefit of their views, because there is no pride of authorship, particularly in this bill, and I think we all agree on the objectives.

Mr. DANIEL. Yes, sir.

The CHAIRMAN. I do not think there is a person in this room that has not. I am just hopeful they will do that, because it has been here a long time. It passed the House way last August and the Senate bill is somewhat similar. I hope you can use your good influence to suggest to them that they tell us what they think is wrong or what is right or what modifications are needed.

Mr. DANIEL. Senator Magnuson, I might tell you that I called Mr. Irwin this morning and asked him to try to get such a thing going.

Senator POTTER. Do I understand that the manufacturers are part of the Cotton Council? Are you members of that?

Mr. DANIEL. Yes, sir; we are a member of the Cotton Council.

Senator POTTER. And the Cotton Council, as such, have they endorsed the bill?

Mr. DANIEL. They even endorsed the bill.

Senator MONRONEY. They were the ones, I think, who led the move to have the bill introduced and headed in its passage.

Senator POTTER. In essence, your company is part of the Cotton Council.

Mr. DANIEL. That is right, sir. That is correct, sir.

Senator MONRONEY. You belong to the Cotton Council, per se, or to the American Cotton Manufacturers Association, which association, in turn, belongs to the Cotton Council?

Mr. DANIEL. We belong as an individual company.

Senator MONRONEY. You do?

Mr. DANIEL. Yes, sir.

Senator POTTER. Are they from your contacts with the industry, are there other mills that feel the same way as you do?

Mr. DANIEL. Well, certainly, Senator Potter, I cannot speak for the other mills, but I do have knowledge that there are other presidents of large companies who do have the same position that we do.

The CHAIRMAN. For the record, the council did testify in the House and in the Senate. That is, their representative did.

Mr. DANIEL. Representing the ACMI?

The CHAIRMAN. Yes. Mr. Young of the Cotton Council.

Mr. DANIEL. Yes, sir; Mr. Young represents—

The CHAIRMAN. J. Vance Young, Washington representative of the Cotton Council, testified in the House last April and testified here this week.

Mr. DANIEL. Yes, sir. I had reference, Mr. Chairman, to the American Manufacturing Institute. This is a section, you might say, of the Cotton Council.

The CHAIRMAN. All right. Proceed.

Mr. DANIEL. Now, if I may, sir, I would like to ask Dr. Jennings to amplify this point, it is the difficulty of maintaining exactness in blending of fibers. Dr. Jennings, would you proceed.

Mr. JENNINGS. From a technical angle, I don't know just how close they are going to hold to percentages under that act, but if you take, for instance, a Dacron-cotton blend, you can put in your hopper the

right amounts by weight of the two fibers and yet, when you come to the finished blend, it is not a precise operation. Any 1 yard of that fabric might vary 2 to 3 percent from that standard, and whether that would be considered a violation of the act is something that we would certainly want considered from a manufacturing angle.

The CHAIRMAN. In other words, it is your technical advice to us that no one piece of goods could be exact as to its contents when it reaches its finished stage?

Mr. JENNINGS. That is right.

The CHAIRMAN. There is what you call a variance. Is that not what they call a tolerance?

Mr. JENNINGS. Tolerance; that is right.

We honestly try to meet the exact specifications; however, there might be some particular sample that might fall outside of that tolerance.

The CHAIRMAN. Yes.

Mr. JENNINGS. The other thing is: There is a particular fabric here of which we have made millions of yards. This is all cotton except four and a half percent of dope-dyed acetate.

Senator POTTER. What?

Mr. JENNINGS. Dope-dyed acetate. The dope-dyed acetate is that the dye pigment is mixed in the dope before it is put through the spinnerettes. So, it is a permanent color and colored all the way through.

Now, after this is woven, the cotton, of course, has to be bleached and mercerized, and in going through that operation, this 4½ percent of acetate drops down to around 2½ or 3 percent, because the mercerizing process just dissolves some of it out.

I understand that 5 percent is going to be the amount that will not be included under this act, but we are considering, because this has been a successful fabric, of going to 10 percent of the acetate, and it is quite conceivable that that might in some cases go down to 7, even 6 percent on the final blend, and there again we would hate to be penalized because we started out with our original fiber content, and then, in our final product, did not maintain that condition.

Senator MONRONEY. How much tolerance, sir, would you need in manufacturing to make it a general rule of thumb—5 percent variance?

Mr. JENNINGS. I would say 5 percent. There was 2½ variance either way. Cotton and the nylon or Orlon are hard to blend. You have your static problem there and they tend to stick together in bundles, and so it is not a too precise operation.

Senator MONRONEY. I see.

Mr. DANIEL. Doctor, is it not true that you might have 2 yards of cloth, and a blend of cotton and acetate, for example, and the first yard might be a hundred percent cotton and the second might be 90–10 because of the bunching?

Mr. JENNINGS. I think somebody would lose their job if we had that variation.

Mr. DANIEL. But it is possible under some finishing processes for that to happen?

Mr. JENNINGS. It could be.

The CHAIRMAN. This is a very important point to us, if we are going on with a bill like this. You say that you think a tolerance factor of 5 percent would take care of the average run of cases.

Mr. JENNINGS. Yes, I would think so.

The CHAIRMAN. Would 3 percent either way make it very safe?

Mr. JENNINGS. Yes.

Mr. DANIEL. Six percent overall.

The CHAIRMAN. Six percent overall.

Mr. JENNINGS. If you have more than that, you cannot finish that.

The CHAIRMAN. I was thinking of breaking it down.

Mr. DANIEL. We also think, Senator, that there are other factors much more important, and I would like for the doctor to demonstrate that now, if he will, sir.

The CHAIRMAN. All right.

Mr. JENNINGS. I think we take the same position that the previous gentlemen took, and that is that fiber content is not essential for the consumer, and I have brought along here an ad of Good Housekeeping, which they have published in several periodicals. I think Good Housekeeping is probably nationally known as a consumer's champion and test medium, and they are setting up standards for wash-and-wear garments. They have several properties here which they emphasize. The wrinkle-free properties, the discoloration and loss of tensile strength, chlorine retention, color fastness, shrinkage, and construction, and yet on all of those there is no mention or even reference to any fiber content. In other words, it is these other functional properties that are important, and the thing that the consumer questions.

On chlorine retention, I do not know whether you are familiar with that term or not, but all resin-treated fabrics have a tendency to pick up bleach when they are washed. That is, up until recently. There are some new formulations which are coming through now, which do not have that property. This illustrates a fabric which has had the resin treatment and was bleached, then put under a scorcher, raised to about the temperature of ironing and then broken. This one lost no strength at all which showed no chlorine retention. This is a resin, about a fifth of the price, and this has deteriorated to the point where it has lost 96 percent of its original strength.

Now, there is no way at all that the housewife can tell that or find that out; only by ironing a garment and the cotton——

The CHAIRMAN. Is content the same in both?

Mr. JENNINGS. Yes; exactly the same.

The CHAIRMAN. The fiber content?

Mr. JENNINGS. The fiber content is all cotton and woven.

Senator POTTER. What makes one scorch and not the other?

Mr. JENNINGS. The difference in the finish that is put on there. And the finish on this costs about 6 cents a pound. On this one, between 35 and 40 cents.

I think the previous gentlemen stated that economics made no difference in their products, because it was such a small part of the furniture. In our case the economics is the very important factor.

The next thing is color fastness, and I have here some samples which I will pass around of light fastness, and in each one is faded and another has not faded in the fadometer, and there again, it is a matter of price, cost of the dyestuff and not a matter of the fiber content.

I have here wash-fastness test which will also illustrate the same thing, and this sample here, a cheap dye was used and was washed with a piece of white goods, and you will see that it bled onto the goods very definitely. Here, a higher-priced dyestuff, giving the same color, has shown no bleeding effect. Again a matter of cost of materials.

Here is the same situation in a case where a yarn was dyed rather than fabric. You will see that the dye is transferred entirely to the white fabric underneath in the one case and not in the other.

It so happens that I not only have charge of the research, but I also have charge of consumer complaints, and I do not know of a case where we have had any consumer complaints based on fiber content. It has always been on one of these other properties of the dyeing and finishing.

Another consideration is construction. We have here a fairly fine weave fabric which is used for rainwear and has a water-repellant finish on it. We have here a drapery fabric which is very open in construction and reasonably cheap compared with this. The difference is that this, although it is water repellent as far as the fiber is concerned, it is such an open weave that if you make a rainwear garment out of it, the water still goes through.

That is the illustration of a construction or end-use problem.

Senator THURMOND. That is the weave, I guess.

Mr. JENNINGS. That is right.

I think probably Mr. Daniel will touch on this point. But if you label something a hundred percent cotton, that means anything from long, staple Egyptian cotton which may be worth a dollar a pound down to a very cheap maybe seven-eighths cotton, and the performance of those entirely different in usage, and yet your consumer sees that hundred-percent label and accepts that as uniform. To me that is one of the most important considerations here.

I have here some sheeting fabric, 200 threads to the square inch, which has to be made of very finely priced cotton. I have here a coarser fabric, 44 by 45, that is 90 ends per inch, and can be made in much cheaper cotton, and yet as far as the consumer is concerned they are both still a hundred percent cotton.

Senator POTTER. In other words, your testimony is that this bill could actually hurt the cotton industry?

Mr. JENNINGS. That is correct.

Mr. DANIEL. We believe it will particularly from the cost factor. In other words, if we are forced to—as the other gentleman said previously—if we are forced to add additional costs to our manufacturing process now, and I was going to touch on that, too. The only thing we can do is either to cut down on production or to increase our prices. Because last year, for example, we did \$164 million of business and the year before we only did \$122 million. But the year before we paid our stockholders per share of common stock \$1.42; last year only \$1.22. Our profit was down 8 percent last year, and if we add any additional costs now, it is only going to mean reduction in our work force or it is going to mean raising our prices.

So far the textile industry, I am glad to say, has not contributed to the inflationary spiral because the retail price of our goods today is cheaper than it was in 1947.

Senator THURMOND. You say the retail price of textile goods today is cheaper than in 1947?

Mr. DANIEL. The wholesale price; yes, sir.

Senator THURMOND. Well, the retail would be, too.

Mr. DANIEL. I am not familiar, sir, with the retail price.

Senator POTTER. Would this tend to encourage the importation of cotton goods with the longer staple than a domestic cotton?

Mr. DANIEL. It could very well do so because of the difference in price.

Senator POTTER. In other words, if you are limited to labeling with just so much cotton, then the competitive factor might be between the various kinds of cotton; am I correct?

Mr. DANIEL. Yes, sir. We brought along some samples of cotton that we might show you if they will be of any value in the testimony. I left them back there on the chair, but Dr. Jennings has touched on them briefly, and I think he has covered the point that we wanted to make; that there is a wide range from the bottom to the top and the top to the bottom in the cotton, and the mere identification of cotton as such on a tag tells the customer very little, in our judgment.

Senator THURMOND. May I ask you a question?

Mr. DANIEL. Yes, Senator Thurmond.

Senator THURMOND. As I understand, one of the purposes of this bill would be to identify goods with regard to cotton, to encourage people to use more cotton to help the cotton farmer who is having a very difficult time now surviving in the South.

I want you to explain again, if you will, as carefully as you can, just how you feel that this bill is going to hurt the cotton farmer rather than help him, because I think that is a very vital point here.

Mr. DANIEL. Sir, I believe, and Dr. Jennings may want to amplify this: Anything that we do now that adds to the cost of our product is going to adversely affect the cotton farmer, because, as I stated, we have reached the point now where we can't reduce profits any further, and if we are forced to go to a cheaper fiber, then that is going to hurt the cotton farmer.

We prefer cotton. I think the record will prove that we want to use cotton.

I think the record will prove that we want to use cotton.

Senator PAYNE. Let me ask this, Mr. Chairman, if I may.

The CHAIRMAN. Of course. Go ahead.

Senator PAYNE. If you took two pieces of cloth which, to the appearance of the average individual, were one and the same type of construction, one of which happened to be an imported fabric using X country as such, the other your fabric; one selling considerably lower, we will say, or some lower than your price—would there be an element, leaving out costs of manufacture, would there be an element in connection with the content of that imported cloth that would be definitely at variance with that which you folks are producing in your own mill?

Mr. DANIEL. Doctor, would you answer that?

Mr. JENNINGS. It would all depend on the staple length of the fiber and this X country, because of cheap labor, can use very cheap and short fibers which we cannot afford to do on account of deficiencies of manufacturing.

Senator PAYNE. Let me ask this: Are you getting definite competition domestically on certain classes of products?

Mr. JENNINGS. Yes.

Senator PAYNE. Formerly manufactured by American textile mills for the American public in which the product that comes in does not meet up with the standards that the American producer has been placing before the people because of shortchanging on certain phases of it that it places them in a better competitive position so far as appealing to the American buyer?

Now, I don't know whether I have said that right or wrong.

Mr. JENNINGS. There would be no difference in the appearance of the fabric, but if shorter fiber were used, it would not give the services, wear as long.

Senator PAYNE. The reason I am bringing this out, Mr. Chairman, is because I think there are three things to be considered. I have a very definite interest so far as the cotton textile industry of this country is concerned. It has been going down and not up, it hasn't even been holding its own.

The second thing, of course, is the cotton producer, and the third and perhaps the most important when you get down to brass tacks is your consumer public because the success of the other two are going to rest on whether the consumer will buy the product. Somewhere along the line there may be something that needs to be put into this legislation that perhaps will clarify this point. I don't know whether there is or not. But I think there might be.

Mr. JENNINGS. I might make this further comment that primarily we are a highly styled fabric house in women's dress goods and we have been able to stem the tide these last 2 or 3 years because every 6 months we put in a new line of fabric and new styles and in that way command the market and those are copied for the next season and we have to come out with the new. That is the thing that has given us the chance to keep in the market, not price.

Senator PORTER. Could I ask a question at this point?

Where does your biggest competition come from?

The cotton market has been going down. Is it coming from use of synthetic fibers or synthetic materials or importation of cotton and cotton goods or a combination of both?

Mr. DANIEL. Of course, the overall use, I think, of all fibers has gone down since this last season. Some of the manmade fibers have increased their percentage volume but if you take the overall picture the amount of manmade fibers percentagewise is so small that it doesn't count too much in the total percentage.

Senator PORTER. It seems to me, here is a bill that was primarily sponsored by your cotton people and I noticed that your manmade fiber people have been testifying in favor of the legislation. I am wondering if there may be—and particularly the testimony that you are giving here today—you might have a bull by the tail and rather than something to help the cotton industry as such, that rather than help, it might hurt.

Mr. DANIEL. Sir, we sincerely believe that is true in the final analysis.

Senator THURMOND. Mr. Daniel, I would like to ask you another question along that line.

Does not the textile business at the present run on very close margin of profit?

Mr. DANIEL. Yes; just about a little less than half of the aggregate of the United States.

Senator THURMOND. In fact, have not a number of mills closed down because they could not compete with the imported, foreign-manufactured goods?

Mr. DANIEL. Oh, yes. That is definitely true, Senator Thurmond. Of course, when you take into consideration that our wage scale is about 10 times that of X country that has been mentioned, or referred to here, and the fact that the Government is selling cotton to this country at considerably less than we can buy, it puts us in an economic squeeze hat we are just barely able to live with. If it gets any worse than it is now, well, I just don't see how we are going to live with it.

Senator THURMOND. I believe the wages in Japan are only one-tenth of what they are in the textile mills of this country.

Mr. DANIEL. On an average, I think that is right.

Senator PAYNE. About \$0.14 an hour is the last that we had available, and I think the American industry is \$1.40 or better.

Mr. DANIEL. It is about \$1.50-point-something.

Senator PAYNE. There is another thing—but we are getting away from this bill. I am not going to go on at length.

Remember it isn't only in your cotton or textile manufacturing in this country, in the actual weaving and producing of the cloth, but you are also now starting to get hit in your textile machinery production, and very heavily so.

Mr. DANIEL. That is true.

Senator PAYNE. Senator Thurmond, when Saco Lowell was considering establishing another plant in your State back in 1950 when I sold them on the proposition of first expanding in the city of Saco, Maine, and they did put up a very modern plant and since have established a plant in your State. They had to make a very serious curtailment within the last 2 weeks because of this very situation. There is a tremendous amount of that machinery idle and there is a long story as to how it has happened. The same is true with reference to the textile production. We have 30 percent of the work force, the available work force in Biddeford and Saco, Maine, is on the unemployed list, and nearly half of that group today have exhausted all of their unemployment benefits and have no place to go because the textile mill has been closed down because in that particular field they have just been wiped out as a result of the competition.

I admit the Bates Co. is trying to do a job insofar as some other mills are concerned—in my home town and in Augusta where I lived for a while also—but it is getting to a pretty difficult proposition for these textile manufacturers in this country, domestically, to be able to meet that which is coming in.

Senator THURMOND. As I understand it, they are being hit from two sides, one is they are paying—speaking of India now—it is more than 10 times as much in wages or possibly 12 to 15 times as much. Wages are cheaper in India as they are in Japan.

As I understand, the wage scale here is 10 to 15 times more than it is in some of these countries that are sending goods in here.

Then in addition, they are producing cotton over there in some of those countries, Egypt and other countries, much cheaper than we can do it here.

Senator PAYNE. They are buying our cotton at a lower price than our own manufacturers can.

Senator THURMOND. They are buying out cotton on the world market at 10 cents a pound cheaper than our mills can buy it here. And it has been miraculous, it has been amazing to me that our textile mills have even been able to keep on and operate with such fierce competition.

Senator PAYNE. I can assure you I am going to have a lot more to say about this on the floor of the Senate within a very short time.

Senator THURMOND. I was speaking of the solution. Until we get some quotas put on the importation of the manufactured goods coming into this country, it seems to me that our textile mills have a very gloomy future.

I will be glad to hear you on that, Mr. Daniel.

Mr. DANIEL. That was the reason I made the point so strong and put so much emphasis on this cost factor.

Senator THURMOND. You are running now on such a narrow margin and you feel any cost of any kind additionally will almost put you out of business.

Mr. DANIEL. That is right. As a matter of fact, it has put us so.

Senator THURMOND. If this bill does that it is going to destroy the market for the cotton farmer to sell his cotton.

Mr. DANIEL. Exactly.

Mr. JENNINGS. Mr. Chairman, I would like to make one further statement here.

The CHAIRMAN. It looks like we are going to have some interesting discussion on the reciprocal-trade agreements.

Mr. JENNINGS. The quota is not the best thing in the world. It has been a help to us because in 1956 the X countries shipped in here 50 percent as much colored yarn goods as was produced in this country.

One more example. We turned out a new fabric in April a year ago and showed it to our customers. By the first of June that was back in this country exactly duplicated.

Senator PAYNE. And the same situation is true in your textile machinery.

Mr. JENNINGS. That is right.

Senator PAYNE. Not only duplicated, but refinements added as a result of some help that we gave back here several years ago to certain places.

And I am not saying that I am not anxious to see that these other people do well, but I still say that—

Senator POTTER. I still say that our people come first.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

Senator THURMOND. Mr. Daniel, I am just trying to bring out the effects on the economy of anything that we might do here that would affect the textile mills because if anything happens to the textile mills in my State, my State is a ghost State. Seventy-five percent of all of the industry in my State are textile mills and it brings in 80 percent of all industrial wages in my State.

I am just wondering what would be the effect, for instance, in your State of Virginia—or are you familiar with the figures?

Mr. DANIEL. Of course, it would not have the same effect in Virginia because Virginia is not normally characterized as a heavy textile State. Although we have large operations there in Danville, but I will say this, Senator Thurmond, that there are approximately 2 million people involved in one way or another in the textile and related industries, so it would mean about 1 out of 7 manufacturing workers in the United States is involved in the textile or related industry. So, if anything that increases our costs now would directly affect those people and the cotton grower.

Senator THURMOND. Thank you.

The CHAIRMAN. I just wanted to ask one thing. You mentioned first, I think this ought to be cleared up a little and you can probably be helpful, too.

You said it would be necessary to reprint millions of tags under the proposal that is now before us. Under the 18 months' exemption would that be true?

Mr. DANIEL. It would be true not to the same extent if it went into effect immediately, sir.

Senator THURMOND. Secondly, we also have in the bill that any stock on hand will not be subject to the act which would include labels?

Mr. DANIEL. Yes, sir.

The CHAIRMAN. Now, I think you have covered the second main point that the percentage of the fiber content in many cases has little or nothing to do with the sale?

Mr. DANIEL. Yes, sir.

The CHAIRMAN. Then the agency delegated you say to police this act will be unable to consider innocence of intent for it will be guided by the exact measures of the working and intent of the law. Of course, that is a matter——

Mr. DANIEL. That has to do with those variances that we talked about, sir.

The CHAIRMAN. That can be cleared up, I think. Under the House bill you say it would be necessary to label and you did cover these odd lots here?

Mr. DANIELS. Yes, sir.

The CHAIRMAN. Then you say that they, meaning the textile manufacturers, I presume, will be criminally responsible under the act for technical factors which they are unable to control?

Mr. DANIEL. That has to do with the tolerances again.

The CHAIRMAN. And then, of course, you make the broad assertion that the passage of the bill will have an adverse effect on the consumption of cotton, and then you mention the plight of the advertising department.

Mr. DANIEL. Yes, sir.

The CHAIRMAN. Of course, under the Senate bill advertising is not included.

Mr. DANIEL. Oh, I see.

The CHAIRMAN. It is in the House bill, that is true; it is in the House bill but not in the Senate bill.

Mr. DANIEL. I see. Is that 1616, sir?

The CHAIRMAN. Yes.

Then your cost factors you suggested, I do not suppose you could break those down.

Mr. DANIEL. No, sir. As a matter of fact, we tried, Senator, to get into that, but the time was so short.

The CHAIRMAN. It would be very difficult.

Mr. DANIEL. It would, indeed, be very difficult.

The CHAIRMAN. Some of the costs are not now foreseeable and maybe some of your fears as to the costs would not exist. It could work both ways.

Mr. DANIEL. I hope so.

The CHAIRMAN. We found under the Wool Labeling Act it did not amount to a great deal.

Mr. DANIEL. Yes, sir.

The CHAIRMAN. The testimony is practically the same.

Thank you very much.

Mr. DANIEL. We are very grateful to you, sir.

The CHAIRMAN. Now, Mr. Fri, we would be glad to hear from you briefly, and I know your testimony and the point you are going to discuss.

**STATEMENT OF JAMES L. FRI, PRESIDENT, UPHOLSTERY AND
DRAPERY FABRIC MANUFACTURERS ASSOCIATION, INC., NEW
YORK, N. Y.**

Mr. FRI. My name is James L. Fri, president of the Upholstery and Drapery Fabric Manufacturers Association, Inc., a trade association that represents over about 75 percent of the people who make the fabrics that Eddie Fricker was talking about here.

I am the paid president, not a manufacturer, Mr. Chairman, and I have two things I want to state.

First, I filed support for the statement made by the retail representatives, namely, that upholstery should be added merely for clarification to outer coverings.

The CHAIRMAN. Upholsteries, plural?

Mr. FRI. The same phrase that is in the Wool Labeling Act, so that there will be no conflict.

Secondly, Mr. Fricker of the furniture manufacturers made four or five points. I want to support those statements and file this statement here.

The CHAIRMAN. That will be included in the record.

Mr. FRI. This statement is submitted on behalf of the Upholstery and Drapery Fabric Manufacturers Association, a voluntary trade association whose membership represents more than 75 percent of the production of furniture upholstery fabrics.

This association recommends that exemption should be granted for furniture upholstery fabrics from the provision of H. R. 469 for the following basic reasons and considerations:

1. Information regarding the fiber content of an upholstery fabric does not give the consumer any considerable help in evaluating the performance of such fabrics. It is the engineering and the quality of construction and finishing that makes for satisfaction in end-use.

Every fiber used in the manufacturing of upholstery—whether natural or man-made—has specific positive characteristics, but no fiber has all plus elements. It is the manufacturer who, through proper engineering, blending, construction and finishing must produce a fabric that will make affirmative use of these positive characteristics and at the same time negate or absorb any disadvantage that a particular fiber may have. Improper manufacturing and finishing can turn some of the advantageous properties of a fiber into liabilities by failing to retain them in the finished product.

Of two fabrics having exactly the percentages of two or more fibers, one may have substantially more value in consumer use than the other. Evidence to support this conclusion can be observed at any time in the experimental and testing laboratories of fabric and furniture manufacturers or in independent testing companies, and by a study of the fabrics that have caused consumer complaints because of unsatisfactory performance.

2. Not only does information regarding fiber content not give the consumer any considerable help in determining the relative value in use of different fabrics, but in practice the emphasis of such fiber content in selling and promotion more often tends to mislead or misguide the consumer, who is encouraged to rely on fiber content as an index of relative quality which it is not. Mandatory labeling would further encourage this misapprehension.

For this reason, and others, there has been during the past 3 years a very definite trend away from using fibers and fiber ratios as sales "gimmicks" or as "information" to the consumer, among the more responsible business firms, from the retailer right back to the fabric manufacturer.

It has been clearly demonstrated that it is in the laboratories, on the looms, and in the finishing and inspection rooms of the fabric manufacturer, that the so-called battle of the fibers must be waged if fabrics are to be made ready for satisfactory end-use.

3. In the opinion of fabric manufacturers, mandatory labeling would tend to nullify much of the progress which retailers and furniture and fabric manufacturers have made in a self-initiated cooperative program to protect the consumer's interests before the fabrics are put into the distribution channels.

Under this program which was started about 3 years ago, a joint committee of fabric and furniture men developed, approved and distributed to all fabric producers a list of specifications and tests for the development of minimum standards on such items as seam slippage, tear strength, break strength, fraying and raveling, colorfastness, and so forth.

This is just the beginning of a continuing program in which each major cause of consumer complaint is studied jointly and corrective measures adopted.

A systematic study of complaint causes disclosed that practically none of them were due to lack of information regarding fiber content and none of them would have been avoided if the consumer had had full knowledge of the exact ratio of fiber content at the time of purchases.

In the light of the above facts, we submit that the consumer's interests and real needs will be better protected by the joint efforts of

manufacturers and distributors in their direct attack of complaint causes through the adoption of minimum performance standards rather than by mandatory labeling which would increase costs and dissipate time and effort without practical benefit to the consumer.

4. A label attached to each piece of furniture, disclosing the fiber content of the fabric, will not, per se, give the consumer any considerable help in evaluating the degree of satisfactory performance, and yet such a law will add millions of dollars to the costs of distribution, which the consumer will have to pay.

Information regarding fiber content is given to the buyer by the fabric manufacturer either on the invoice or attached to the roll, but it is in the transferring of this information accurately and completely to each piece of furniture that the consumer is paying in additional costs many times more than the actual use-value of the information received.

In addition to the high costs to the industry of physically affixing accurate fiber content labels to each textile product, and of maintaining the necessary records, the expenses of governmental administration of mandatory labeling would be greatly increased. In the opinion of fabric producers, better results would be assured if this same time and energy were directed toward more effective enforcement of existing laws requiring truthfulness in the identification of fibers in textile fabrics.

For the above reasons, we respectfully urge the committee to adopt such amendment to H. R. 469 as would have the effect of exempting upholstery fabrics from the provisions of this bill.

I would also like to make these two statements.

First, our experiences in our own laboratories, and all of our people have laboratories, very extensive, for pretesting. Our experiences are identical. That the fiber content, per se, is not a criteria for quality performance.

The chairman stated this better than I could state it. He said, I think, Mr. Chairman, you referred to the fact that maybe we would come up with a ratio that the consumer would like so well she would say, "give me that ratio" time and time again. Actually, my phraseology is essentially the same. If we put emphasis on ratios or content we, by implication, lead the consumer to believe that these ratios do give quality which they do not and it has been proven in our laboratories and I would like to support that.

Secondly, we have for 4 or 5 years, Mr. Fricker touched on this. I want to supplement it. We have joined with the retailers and furniture manufacturers for about 4 years now in developing methods of testing on specific performance standard. He touched on those. I simply want to supplement what he has said by saying that in the opinion of our manufacturers we feel that our enegeries should be directed toward a batle of end performance rather than the battle of the fibers. Today we are playing down and are not emphasizing as sales gimmicks the various fibers but we are engaged in a cooperative program right straight through to the consumer to try to locate he causes, to set up specific methods of testing and we feel that our enegeries would be better in that connection that the consumers interest would be better connected and we feel that there is already, if a person is maliciously or intentionally dishonest or using fibers that we are

already having laws and probably we feel that the administration's efforts and money and so forth would be better directed if it tried to go after these people that are making use of various fibers and that sort of thing.

The CHAIRMAN. With the exemption are you opposed to the bill?

Mr. FRI. We are for the bill as far as upholstery is concerned with the exemption No. 2, with the addition of upholsteries we are for the exemption of upholstery and outer coverings—

The CHAIRMAN. That is very clear.

Mr. FRI. Yes. That is the only thing that I am here for and whether or not there is a bill is up to the committee and thank you very much for your courtesy in giving me a chance to speak.

The CHAIRMAN. Thank you. You better get out before you get started. You better stop when you are ahead. [Laughter.]

The CHAIRMAN. It is 12:30 and I know our reporter needs a little rest. She is a hard-working reporter and she needs a little rest.

We have seven more witnesses. Mr. Khurfeld is here. And we would like to conclude this afternoon, if possible. We have a bill on the floor on postal matters which might affect the textile people considerably, too. And we would like to see if we could not get through with this this afternoon.

Off the record.

(Discussion off the record.)

The CHAIRMAN. On the record.

We will be glad to hear from you, Mr. Feldman, now.

STATEMENT OF ERWIN FELDMAN, DIRECTOR, NATIONAL ASSOCIATION OF HOUSE AND DAYTIME DRESS MANUFACTURERS, NEW YORK, N. Y.

Mr. FELDMAN. I represent the Association of House and Daytime Dress Manufacturers. We make dresses out of all types of fabrics and fibers.

Just briefly I will state to you the type of organization we are, Senator. The late Senator James A. Reed of Missouri was the original counsel of this organization and his wife, Mrs. Nell Donnelly Reed of the Donnelly Garment Co., was the executive vice president of our organization for a number of years.

Our people are the large advertised brands of women's apparel and and we sell under the national trademarks and therefore we are much concerned with everything we say and our garments have to perform regardless of the fiber content because if they don't our label is on them, they come back to the stores and back to us. We are not trying to hide from any responsibilities of the manufacturers. However, you have heard a lot about whether or not fiber identification, per se, means anything to the consumer. We say it does not and the only useful purpose I could serve here is to give you the history of fiber labeling in America from 1930 up to the present time and you will know how we got into the situation where we have bills in Congress today. And here are the facts briefly.

The Japanese Government in 1935 subsidized a program in the United States to promote silk and an international silk bill was formed. They sent around women to women's clubs to say, "Don't

buy rayon, buy silk." They sent women's clubs petitions to the Federal Trade Commission as a result of which you got your first mandatory fiber action in the United States which were the rayon rules adopted by the Federal Trade Commission. There was no act of Congress, but under the trade practice procedures, perhaps even outside of the law, they were there, and the Federal Trade Commission made it mandatory for the first time in the history of this country, made a fiber identified in connection with the apparel.

Mr. BAYNTON. I believe they taxed themselves a quarter of a cent a pound for this purpose.

Mr. FELDMAN. That is correct. That's how it started.

When this started the rayon industry was quite disturbed about it. Instead of killing them the mandatory labeling resulted in the greatest advertising that you could possibly give to an article because everything that was made out of synthetic fiber was advertised. Whether it was sold in Bonwit Teller at \$300 an item or in Klines at \$1.95. The word "rayon" appeared in the highest fashion magazines. The result was that instead of opposing the action the acetate people said, we want to get on the bandwagon. They asked for the same.

We had the spectacle in New York at the Biltmore Hotel where they held a convention, when Senator Meade, then Chairman of the Federal Trade Commission, made a brief speech on world affairs, the acetate industry hired Judge Rosenman. They had a demonstration of what the difference was between acetate and rayon cellulose and somebody sang a song and I can remember the last line is acetate is acetate and rayon is rayon. They had a big parade.

They have acetate rules. We are advertising acetate and nylon at the expense of the manufacturers who have to buy the labels. We use all fibers. We use cottons, we use every known fiber and at this time the development of fibers in this country has reached a point where there is no more bad-performing fiber in this field. If there was it would not last long.

The original thought was that the synthetic fiber was poorer than, say, a silk fiber. Actually today the fibers depend entirely on what you want out of the fabric, how it is going to look and the feel of it in the hand and the appearance, most of all fashion features, rather than performance features.

Senator PORTER. If you will yield there. What you are saying is actually rather than to help the cotton people this might hurt them—your advertising, all the other ingredients that go into a dress or the manmade fibers?

Mr. FELDMAN. That's correct.

Now, what is going to happen to cotton is this, and I am surprised to hear that the Cotton Council has favored this bill because, after all, the miracle fiber advertising is that it is the best thing since the world began. No other fibers can compete with them.

We had an exhibit, last January, our trade association, and all the fibers were shown at the Waldorf-Astoria. We knew that was the cotton, the cotton blend, new Dacron, nylon. Everybody wants to get on the bandwagon. The only person that is not here is the consumer. Everybody in the name of the consumer is struggling for a position in this free advertising program subsidized by the act of Congress and the manufacturers of the United States.

We have to do the labeling. Where you have a two-piece garment it may be made out of different fibers. The trim may be of a different fiber and requires the handling and the use of employees and we are the most overregulated and underconsumed industry in history.

We have regulations from morning, noon, and night, and this additional regulation is the most preposterous we can think of. Obviously it stems from the original premise that a synthetic fiber was once thought to be inferior to others. From that point on the regulations started and everybody says, These are the logical progressions. We are back to is this mala in se or mala prohibita. It is mala prohibita in its worst sense. You are going to make a criminal act with the FTC to enforce it with the identification of fibers in percentages in a mill. If you are going to deal with a woman and tell her it's polyester, Orlon and Dacron, or silk or milk or coal or air or water or any substance that the chemists can come up with—by the way, the end is not in sight. Over 200 synthetic fibers will be with us before we are through if we ever release atomic energy the way they say we will. There won't be anything but mills. We will have a catalog of fibers; right now we would need a textile chemist to differentiate between the fibers on the market. All we have to do is get the man to give us the name. We have to transfer the percentages to the label. We have to give a guaranty to a retailer, and we are through.

I can only say this to you: With the cost of living in the industry as it is, the garments that we make, the low-priced daytime house-dress, every time that goes up the cost of living goes up and we have got the toughest labor union in the history of the world. We pay the highest wages known in the history of the world for what I mean in—we use section methods of sewing, nobody makes a complete garment. You don't have to be a dressmaker, yet we have a strong union. They have a 10-percent welfare fund.

Now, there is a new increase in sight. You say hire more people to do this labeling, get more space for labels and for printing labels. If the printing industry doesn't have the biggest boom in history it will be a miracle.

Of course, you say do I not believe in truth? Everybody is against sin. And I think that is a stupid approach. Let's find out who is here. I will tell you. You have the synthetic people who are on the bandwagon now. They say, boy, let's get this free advertising, it's wonderful. You have got the retailers who say, let's get the FTC off our back by merely getting a guaranty in on labeling. We are through. That is really why they are here. I can't imagine why the cotton people are here. They are probably going to get the worst shellacking they have ever had. That will come out later.

You hear the prior speaker and I presume his position will be clarified in time, but in any event we are here innocently because we use them all and as a result of which we simply say there is no need for this and why burden us with this and why spend all this money.

One of the men who testified at the acetate hearing was one of my best friends and the one who put that regulation over and I must take my hat off to him, he put on the greatest show in history. When they say acetate rayon or plain rayon my wife knows the difference. In the Du Pont statement that was presented here they say that will be an aid to the people who handle the garment for cleaning, dying,

washing. Then they say three pages later there are no established principles for that. To spend the money and require us to spend money for that is ridiculous. Just to tell them the fiber content.

The fact that it got this far is our own error. We just waited too long. I spoke against this bill at the National Retail Dry Goods Conference. I was the only one who did. I addressed the Philadelphia Textile Institute and I was the only one there who spoke against this. I opposed in 1931 the original rayon rules in the Federal Trade Commission conference and Time magazine quotes me as saying Mr. Feldman came in at the end of the conference and said it was a Japanese plot.

The New Yorker magazine in a profile written on Wilma Soss, they tell of her life. Let me read to you or put it in the record. "I was hired by the Japanese Government, by the International Silk Guild, to beat the rayon people. I went to the Federation of Women's Clubs and I got up these petitions out of which came the rules." This was the consumers' reaction to rayon.

Now, I say to you we have to stop it now. The fact we come in and say there should be no bill. The greatest service this particular committee could perform is to conduct your hearings into the whole story of how did we get fiber identification in the first place.

I went in and asked a rubber-tire dealer the other day, I said, "Is this natural or synthetic rubber?" He couldn't tell me. There is no rule you have to say "lanolin" on products that contain lanolin. They all say it, though. There is no rule in the whole place about that and there is no rule that says you have to distinguish between natural products and plastic.

Performance is the thing at the store counter. You buy from a retailer; it has an established name. You buy from a "slops" store, as we say in New York; it doesn't matter what he says, you are going to get gypped probably in the end. You can buy a silk tie for \$1.50 or \$2. You can buy a silk dress for \$9 or \$900; you can buy a rayon or nylon for \$400 or you can buy it for \$2.99.

What did you get out of this expenditure of time and money? I can tell you more about the fiber story but time doesn't permit. That is my only contribution.

If we can only stir up enough imagination and excitement to prevent any action toward this absurd end that will help. This is what he has got to do. He has got to mandatorily label rayon, cellulose, or acetate by separate label. If he says it is washable he has to put a label on to give the percentage of shrinkage. He doesn't have to in the case of silk. We don't have to tell you about the Wool Labeling Act. That is a world unto itself—whether it is shoddy, original, virgin, cashmere, or everything else that goes with it.

Now we have got a bill which says on every type of fiber, whether it is covered by present rules or not, and we don't know how they are going to integrate it. Nobody says anything about that in the bill. How you are to go, some of which exceed your requirements and some are under them. You have to have a Philadelphia lawyer to find out where you go over or under this act. Think of it. Some situations with a particular fiber specific rules which require further action than your bill requires.

So, you did not integrate these things and the FTC's letter, they certainly didn't cover the question of how are you going to integrate the existing trade practice rules with the present requirements of this law.

Senator POTTER. Let me ask you this question: How have you operated under the Wool Act?

Mr. FELDMAN. In a nightmare. We filed guaranties, you know, and we get guaranties, and we got a department. Several people working there and we label them. We don't use very much wool in the wool end. We are cotton and synthetics particularly. In the rayon rules sometimes we have to print our own labels and mark them. Sometimes the labels are furnished by the textile house and we have any number of times where the label was in error. You are brought up before the FTC and are subjected to a \$500 or \$2,000 a day fine if you are ever hooked up in a further proceeding under a violation of their trade practice rules or under the Wool Act itself.

I can only say this to you, sir, that the FTC would have to have manpower greater than the FBI and the whole police force of the United States. To think you can go to jail for making a mistake on an invoice. All I would say if it had any purpose or meaning or sense you would have to be for it. When in the end you are saying that you are disclosing information that means nothing to a consumer, means nothing, I say, to them. You line up 50 consumers, hang up their dresses on the racks and put on the different labels and see what their reactions are. They will say "We don't know what you are talking about." It's nice, it's true. Some of them will say, "Does it wash or dry clean?" They want to know that. They are not interested in the fiber content. That is the biggest loss in America. Does the cotton shrink or doesn't it. That is all that is important at the consumer level. You are not interested in that. You are going to have to send the textile chemist to night school to learn all about polyester and polyethylene, Acrilan and so on. I couldn't tell you the various processes. For example, there are certain textile yarns now on the market and they are only good for blending—some are 100 percent.

How does du Pont expect to make a success out of Dacron or nylon through the labeling if it doesn't guarantee that the twist or weave is sufficiently strong? They have nothing to do with dyeing, which is very important. Will it be colorfast? Down in the Southwest if you don't have colors that are fast to sunlight you are going to get into trouble. That is, in Arizona or Texas you have to have colorfast materials. If you don't have garments that are washable, if you have garments that shrink you are in trouble. What difference does it make about the fibers. Some can be washed and some can't.

Some cottons are treated in such a way they are not washable. Some synthetic fibers can be washable under certain circumstances, as Dr. Jennings pointed out before, in the case of Dan River's. We use a tremendous quantity of their goods. The difference is how it is sometimes surface treated.

You can take a piece of cotton, give it a shoe shine—that's the term they use—it looks like silk for the first wash then it comes out that drab, flat color. You bought that some place. But you go into a high-class store, they know all about that. That is where a fellow can get swindled out of \$2. All you said is cotton. That Arizona cotton, Sea Island

and Egyptian cotton, is the same kind of cotton as carded cotton that comes in. You say that all nylon is alike. Why, the upholstery story is a small story compared to what goes on in the dress fabric trade in nylon.

I will tell you what I do. I will make a fashion show for you and I'm going to put on dresses that are going to have identical fiber content and the range in quality will be 1,000 percent and price will, too, so what was gained by the fiber identification? If I say to you I will make Dacron in 50-50, one piece of fabric may be worth \$1.50 a yard, the other is \$0.40 a yard. One will be made into a garment that retails higher. What will you have gained telling the consumer that it was 50 percent Dacron and 50 percent cotton?

You missed the whole show. [Applause.]

Senator PAYNE. Mr. Chairman, you not only missed the show, but Mr. Feldman has agreed to put on a style show here.

Mr. FELDMAN. I will show you dresses made out of 50 percent of each fiber, 50 dresses of each, the dresses will retail from \$9 to \$90. They will have an identical fiber content. One can be washed, one can't. One is fast of color, one isn't. One is sold in Bonwit Teller and one is sold down on 14th Street in New York.

What did you find out? Tell me what you found out. What did you get out of this deal? We printed them out. You know we are going to be covered now. We are selling hot goods. We are selling hot fiber content. And I would like to put that show on for you because you missed what I tried to say at the beginning, sir; that is if you went back to the history of fiber identification. The game started by the Japanese silk people forming an organization to—they sent out Mrs. Wilma Soss who wrote a story how she got the FTC to put the rayon rules over. She was a paid agent of the International Silk Guild. How did I know that? My family imported silk at that time from Japan. That's how I happened to know the story.

Mrs. Soss told this story. I have got to read you the New Yorker Magazine profile on Mrs. Soss. How everybody was hoodwinked including the Government. I want to put this in the record. This is the issue of the New Yorker Magazine of March 17, 1951, and it is on the fabulous personality of Mrs. Soss. I don't know whether she is still alive or not.

In 1934, holding on to the Swarthout assignment—she was then working for somebody else—settled down as publicity director for the International Silk Guild, an association sponsored by an industry then capitalized at half a billion dollars. The Guild was subsidized by the Japanese and dedicated to the proposition that all of the forces of evil were clothed in rayon. "I still get an uncomfortable feeling whenever I even see that word in the paper," says Mrs. Soss, who in her 7 years with the Guild wore nothing but silk indoors. During her silk-bearing period, one of her outstanding accomplishments was helping to prevail upon the Federal Trade Commission to require that all articles made of silk or its synthetic substitutes be labeled for what they are, a regulation that had just been triumphantly inscribed on the books when the supersynthetic, nylon, came along. It soon became clear that women were grateful for the labels, but that the label they wanted most to see was "nylon."

Now, everybody wants to get on the label wagon, the rayon industry was scared to death in 1934, the acetate people hired Judge Roseman to get them the acetate requirement.

I just told them about the proceeding at the Biltmore. You should have attended it.

The CHAIRMAN. I was not invited. [Laughter.]

Mr. FELDMAN. They decided they want acetate advertised free, too, why shouldn't every manufacturer present and print a label and tell the world that acetate is acetate. They had Judge Rosenman with two tubs giving a demonstration. He was showing how 1 took dye and 1 didn't.

Senator Meade made a speech on world affairs. There was a song and the last line of the song was "acetate is acetate and rayon is rayon." I remember that. They staged this thing beautifully. They got the acetate rules.

Now, everybody wants to get on the bandwagon. The cotton people murdered in the process. We are going to get a label or bill that Mr. Dobenski will see his people are paid 20 percent more for the reason to disclose the fiber content, the percentage to people. What difference would it make to her? In the end, out of a result of which we are all going to benefit. This is truly to be inscribed on the halls of S. Kline.

Senator PAYNE. You know something, Mr. Feldman, I am going to admit to you that you are going to make me take a very long look at it—even that I figured it was beneficial.

Mr. FELDMAN. Take a longer look at what I am going to bring. Garments at all price lines for you to see. I am going to wash some of them, some will shrink in 2 seconds. I will put them in a fadeometer. You will have us panting, don't you get into the fiber battle. You are playing with fire, you are going into the fiber battle. Let these boys fight it out in the salesrooms, it's a big battle. It is bills involved. Let them fight it out at the showroom, but don't throw any weight on it.

The CHAIRMAN. I will tell you, Mr. Feldman, I didn't get into this voluntarily. [Laughter.]

Mr. FELDMAN. I know. I agree.

The CHAIRMAN. I am more concerned with fish, and lumber, and shipping, than I am with fibers.

Mr. FELDMAN. This legislation smells, too. [Laughter.]

The CHAIRMAN. We will read your testimony.

Mr. FELDMAN. I wish you would. My proffer is open—

The CHAIRMAN. We did limit you and we will leave the record open for anything else you want to put in. We will keep this magazine in the file and refer to it in the record.

Mr. FELDMAN. I think you should take a look at the transcript on the hearing on the acetate rules.

The CHAIRMAN. You may submit anything for the record you wish. We will keep the record open.

We will recess until 2 o'clock.

(Thereupon, at 12:55 p. m., the subcommittee recessed to reconvene at 2 p. m. this day.)

AFTERNOON SESSION

Senator POTTER. The hearing will be in order.

Mr. Klurfeld? Would you identify yourself for the record.

**STATEMENT OF ARTHUR M. KLURFELD, EXECUTIVE DIRECTOR,
TEXTILE FABRICS ASSOCIATION**

Mr. KLURFELD. My name is Arthur M. Klurfeld, executive director of the Textile Fabrics Association, of New York.

I would like to say that this association has been in continuous existence since 1912, and it is composed of the leading converters of cotton fabrics. We also manufacture fabrics made of synthetic fibers.

We have within our membership integrated mills as well as independent converters. I might say for many, many years our people used cotton exclusively, and it is only with the advent of more of these synthetic fibers that blends are today being used as well as cotton.

I would like to have my statement entered in the record and speak to the point.

Senator POTTER. Without objection your full statement will be made a part of the record and you may make an additional statement if you wish.

(The complete statement of Mr. Klurfeld follows:)

Mr. KLURFELD. I appreciate the opportunity of appearing before this committee to present our views with regard to H. R. 469 which would require the labeling of all textile products with the exact fiber content.

The Textile Fabrics Association which I represent is composed of the leading converters of fabrics made of cotton and other fibers in this country. This association has been in continuous existence since 1912 and we have been recognized as one of the leading spokesmen for the textile industry on numerous occasions.

If this bill is intended to help the textile industry, we can only say it will have, in our opinion, the exact opposite effect. Our members as producers of fabrics are principally concerned with the performance of these fabrics for particular end uses. We know that is also true of the garment manufacturers who purchase fabrics from our members as well as retailers who sell these fabrics over the counter.

The same is true to our knowledge of the ultimate consumer who purchases the garment or the fabrics. She is principally interested in whether the garment or fabrics will wash without shrinking, whether they are colorfast, how the article should be ironed, and whether it will wear well. While the fiber content of the garment or fabrics plays some part in the performance of that article, we would point out that the manner in which the fabric is woven and the type of finish placed on the fabric are infinitely more important in determining the ultimate performance of the garment. The fact of the matter is neither the garment manufacturer nor the consumer can be safely guided in the purchase of these articles by merely knowing the exact fiber content. In our opinion, the consumer is no more interested in the fiber content of textile products than she

would be in knowing the exact percentage of steel, copper, aluminum, wood, or leather in an automobile. It is the performance of that automobile that matters to her.

This bill not only treats the failure to indicate the exact percentage of fiber content as a deceptive act, but goes further in making it a crime for willfully failing to do so. We do not understand why the textile industry, as the third largest industry in this country, should be singled out for such harsh treatment. If the Congress believes that a law should be enacted that treats the failure to disclose the fiber content of a textile product as a deceptive act, or a crime, we submit that in all fairness that principle should be applied to all industries in this country. There are many synthetic materials competing with natural materials in many industries. Surely, the consumer is equally entitled to know the exact percentage of any synthetic material used in any article, whether that article is made of a textile fiber, or some other type of synthetic material. We are unaware of any desire on the part of other industries for such legislation with regard to their own products.

Other witnesses will undoubtedly give you figures showing the cost of complying with the type of labeling required under this bill. We recognize that any Government regulation is costly to industry. There would be no complaint about the cost if there were a commensurate benefit to the industry as a result of this legislation. To the contrary, we find that this bill will require a considerable amount of detailed work without any consequent benefit either to the producers in the industry or to the consumers who purchase its products. The only beneficiaries of this bill will be those producers who are endeavoring to promote new fibers to the public. We submit that these fiber producers should bear the cost of such promotional work instead of having the textile industry saddled with that duty through legislation.

It is our considered view that this bill will also fail of its avowed purpose "to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products." In the first instance, we would point out that we know of no study or survey that indicates the existence of widespread misrepresentation as to fiber content of textile products. On the contrary, a careful study of the bill indicates an assumption that silence as to the fiber content of a particular product constitutes misbranding. In our judgment this is a radical departure from any accepted legal concept of deception unless it is tied to the principle that the buyer will be actively deceived by the seller's failure to disclose the fiber content of the product. Even the dictionary meaning of the word "misbranding" as "to brand falsely" presupposes actively doing so rather than the mere omission of any branding.

A careful study of the bill also would seem to indicate that the use of generic names to designate the various fibers will cause greater confusion both in the trade and among consumers. Section 4 (b) (1) requires that each natural or manufactured fiber be designated by its generic name and the producer is permitted the use of a nondeceptive trade mark in conjunction with the designated generic name. Under section 7 (c) the Federal Trade Commission is authorized to establish the generic names of manufactured fibers.

It is therefore clear that the generic name will necessarily be some other name than the trade-marked name given to the manufactured fiber by its producer. For example, the fiber Dacron is the trade-marked name for a polyester fiber. Likewise, the fiber Orlon is the trade-marked name for an acrylic fiber. Verel is the trade-marked name for another acrylic fiber. If the producer of a fabric containing any of these fibers would designate them merely as acrylic or polyester fibers, in our judgment, many of the manufacturers of wearing apparel would have no idea what they were buying and the consumer seeing a label reading "60 percent cotton and 40 percent polyester fiber" would be utterly confused thereby. It would therefore seem that the use of generic names to designate the fiber content would have the exact opposite effect to the one desired in the bill. We assume that the Congress has no intention to promote the particular trade-mark names given to these manufactured fibers by the various fiber producers.

We believe the Federal Trade Commission has ample authority under the Federal Trade Commission Act to deal with any instances of active misrepresentation with regard to textile products. If the Commission took active steps to stop any instances of such misrepresentation, any necessity for further legislation would thereby be eliminated. The facts are the Commission has done little or nothing to enforce its own trade practice rules which presently require the labeling of articles made of linen, silk, rayon, or acetate. The task of policing the entire textile industry under this bill will require a very large increase in the present staff of the Federal Trade Commission as well as a substantial increase in its budget. We believe that money can be better spent for projects that are truly in the public interest.

We also find it strange that the bill contains a double standard of morality. The producer of the textile fiber product who fails to disclose the exact fiber content is charged with a deceptive act, or possibly even with a crime. On the other hand, the person who advertises the same product is permitted to keep silent as to its exact fiber content and is only required to disclose that fiber content if he says anything about the fiber content. In other words, the advertiser need only disclose the whole truth if he says anything at all about fiber content but is otherwise free to say nothing.

From the viewpoint of the consumer we believe it is infinitely more important to have the advertisement disclose the exact fiber content rather than require her to look for a small label on the garment itself. For example, men's shirts are customarily folded and pinned together to hold these folds. If the label disclosing the fiber content is placed on any part of the shirt not visible to the consumer, he will lose any benefit from the possible knowledge of the fiber content. On the contrary, if the same shirt is advertised, he should expect to learn from the advertisement the exact fiber content if that information is to be revealed to him at all. From that important standpoint the bill fails to carry through of its intent to protect consumers against misbranding and false advertising.

It is common knowledge that the textile industry is going through a very trying period at the present time for a number of reasons. Most producers are having a very difficult task to earn a minimum

profit or even to avoid serious losses. In our judgment the time of this bill could not be worse in terms of the ability of the industry to pay for the added cost the labeling and recordkeeping will entail. From every viewpoint we believe that this bill lacks the necessary merit for enactment into law. We therefore urge this committee to report this bill out unfavorably for the reasons we have given.

Mr. KLURFELD. In addition to being executive director of the Textile Fabrics Association, I am also an attorney, and I have had a great deal of experience on legal problems with respect to legislation before various committees of the Congress, and I want to address myself partially to some of the legal aspects of this bill as well as to its merits.

First of all, we, as the leading association representing cotton converters in this country, are unalterably opposed to this bill. We feel, as some of the witnesses who have testified before, that the bill will not accomplish its objective of educating the consumer, and it will not, in our opinion, help the cotton farmer. It will not sell more cotton fabrics, which is what the farmer is interested in. And I think, before I get through, I will be able to prove that.

The textile industry, insofar as the fabric end of it is concerned, has gone through a very rapid revolution in the last 10 or 15 years. The revolution has not been not only in the use and blending of fibers but in the manner of manufacture of those fabrics as well as the finishing—particularly the finishing.

Today the consumer is interested primarily in wearing a garment or an article of wearing apparel that will require the least amount of care. That means that she can wash the article without difficulty, that it will not shrink, that it will be colorfast, and that it will require the least amount of subsequent care, meaning little or no ironing. We call that wash and wear.

The official figures show that the trend in the direction of wash-and-wear fabrics, particularly as it pertains to cotton, has been tremendous. We, as the interested parties here, who are interested in selling more fabrics to the trade, both to retail and to the manufacturing trade, we are interested in developing the type of fabrics and in giving the consumer the type of knowledge that she should have that will sell more of those fabrics. We have found that the thing that will sell her does not relate to giving her the fiber content. In many instances our people—as Dan River Mills testified this morning, Mr. Daniel testified this morning—are furnished millions of hang tags on which the fiber content is designated.

It is one thing to do it as a voluntary matter; it is another thing to be told, if I may so state, that the failure to do it constitutes a crime.

Senator POTTER. I would assume that your position is that you feel that by giving the fiber content it is an important factor, and you will put it on the tag.

Mr. KLURFELD. Exactly.

Senator POTTER. And if it is not an important factor, you will leave it off.

Mr. KLURFELD. Exactly. An excellent example was brought out this morning. Sixty percent cotton thirty-five percent Dacron is a perfect example of that. It took a tremendous amount of research

on the part of the industry to develop that peculiar combination that creates a fabric that has a particularly good use for a certain type of product.

Anyone can use his own combination. But where it is important to the sale of it, to the sale of the product, and that combination of fibers gives it peculiar qualities, we are only too glad to relate it. But to say that that should be treated in the same way as any other combination that anyone might concoct for himself is saying in effect that you are comparing two unlikes.

The others, as was brought out, in simple language, just mean nothing. It is only when you can tie in performance of the fabric with that fiber combination that the fiber combination begins to have meaning. If performance is not tied in with that, then the knowledge of the fiber content is utterly meaningless, not only in the industry but to the consumer as well.

In terms of the assumption of this bill—and I come now to what I believe goes very much to the heart of it—there is an assumption here that the man who is silent or who will be silent as to fiber content in terms of percentage, is thereby practicing active deception. I say to you with all deference to the fact that there is a representative of the Federal Trade Commission here, I know of no action ever taken by the Federal Trade Commission under the Federal Trade Commission Act previously that took the view that anyone who was silent as to something was thereby practicing active deception.

The act speaks of "misbranding." If you look up the word in the dictionary, it means "to brand falsely," which means to do something actively to brand it. And in the common law concept of deception, the old common law concept, deception where you kept silent had to be tied in where the other person thereby acted in reliance upon that to his damage.

There is no record of any Federal Trade Commission study or survey that consumers today, by reason of the fact that garments or articles of wearing apparel are not labeled with the exact fiber content, are being actively deceived thereby. Quite the contrary. We are bombarding them with all sorts of information. And if we don't give them that exact fiber content, believe me it is only because we don't think it would be meaningful to them. It is not a question of deceiving them by withholding it. No such thing. That is proscribing the whole textile industry as practicing deception. And the textile industry is not practicing deception, Mr. Chairman.

Senator POTTER. Mr. Baynton?

Mr. BAYNTON. Mr. Klurfeld, isn't this the same type of argument that was made against the Wool Products Labeling Act when it was first discussed?

Mr. KLURFELD. I don't know, because I don't represent the wool interests.

Mr. BAYNTON. The same terms were used in that act. I don't think there was any inference there, because the act was being passed, that those who did not label things were deceiving the public. This act was passed so the public could have information from there on.

Mr. KLURFELD. I think in an effort to draw a parallel—and I have heard this parallel at the hearings here previously drawn between the Wool Act and this act—there is one very great difference.

There was active deception at that time. People who were using reused wool were not designating it as reused wool. People who were putting in less than 100 percent wool were not indicating it properly. They were just saying a wool garment, or something like that, but they weren't indicating that they were putting perhaps some shoddy material in as a filler.

Mr. BAYNTON. I think we have had some advertisements entered in the record here, and some testimony, that indicates that in the textile trade the same situation might be true today, as long as it is not illegal.

Mr. KLURFELD. I would say, sir, that if there is any such active deception we would be the first to want the Federal Trade Commission, under its existing powers, if you please, to prosecute such people. And they have such powers.

Anything in the way of active deception under the Federal Trade Commission Act, from my knowledge of it, the Federal Trade Commission has ample authority to prosecute such a person. You don't need additional laws to arm them with authority to prosecute such people. What we are talking about now, sir, is an entirely new field where you are saying to everyone who is acting legally today, as of a certain date you will be acting deceptively if you don't actively label. That is in effect changing the whole industry from a law-abiding industry, if you please, to one which would be violating the law and committing a criminal act in not complying with this technicality.

Mr. BAYNTON. Mr. Chairman, I don't want to argue with the witness, but this is a new act, and certainly after it is enacted and approved by the President and becomes law, and the period runs—which I believe is 18 months in the current bill—then those acts would be illegal, certainly. But that doesn't say that we are stigmatizing the industry today because we are thinking about this. That is the only point I want to make.

Mr. KLURFELD. Not in an effort to have the last word, Mr. Baynton, may I just say this:

Any law, to my knowledge, which the Congress passes, must be in the public interest and presumably it must be to correct an existing evil. What is that evil, I ask you? And I say if there is an evil, you must in effect admit that the evil you are endeavoring to correct is that the consumer today is being deceived by not being told what that fiber content is in exact percentages. That is the evil this bill is attempting to correct.

Senator POTTER. I regret that this is going to be a frustrating afternoon. I will be back shortly, or another member of the committee. (Thereupon, a recess was taken.)

Senator SMATHERS (presiding). The meeting will come to order. In the absence of Senator Thurmond, who will be here shortly, I am pinch hitting for him.

I understand Mr. Klurfeld is in the midst of some testimony. You may take up where you left off.

Mr. KLURFELD. Thank you.

Mr. Chairman, I would like to point out that to my knowledge no consumer group—

Senator SMATHERS. Let me ask you a question. Are you for or against this bill?

Mr. KLURFELD. We are against it, sir.

Senator SMATHERS. All right.

Mr. KLURFELD. To my knowledge, no consumer group has appeared here or has asked for the right to appear to voice its approval or disapproval of this bill. And since it does, in the ultimate sense, entail the welfare of the consumer, we think it very strange, because if there was a real desire on the part of the consumer for the type of knowledge which this bill would give the consumer, namely fiber percentage identification, one would assume that the consumers would be here to ask for that.

But it has been pointed out—and I am not the first one to say so—that actually the sponsors of the bill are the fiber producers who believe—and I respect their opinion, though I don't agree with it—that somehow this bill, if enacted, will create a greater demand for their particular fiber.

We don't think that will happen at all. In fact, we are very much afraid that the new synthetic fibers, with the vast amount of money being spent by the producers of the synthetic fibers, that this bill will merely give them an added weapon by which they can promote those particular fibers.

I want to come to what I believe is a very impractical aspect of the bill and which, in my opinion, will make the bill unworkable as it reads now.

The bill requires the Federal Trade Commission to establish a series of generic names for the various fibers, presumably those which are not in the public domain. In other words, fibers such as cotton, rayon, linen—they would have no problem with the generic names because those are their well accepted generic names. But when you come to the newer synthetic fibers such as dacron, orlon, and a great many others of that type, all of which have trademark names owned by the individual producers of those fibers, you run into a very practical problem.

While the bill would allow the producer to append on the same label to the generic name the trademark name, there is no positive requirement that that be done. And since the trademark name, as I read the bill, would not be the generic name, it follows that the only other generic name that could be used is the chemical name for that fiber.

These chemical names are a series of what are known as polyester fibers, acrylic fibers, acetate fibers, and even a series of nylon fibers. Those names are used indirectly in the trade. They mean very little chemically as used to the trade, and they mean less if anything to the consumer. So that the Federal Trade Commission will be faced with a very practical problem as to where they are going to get a generic name that would be meaningful to the consumer, keeping in mind that the central purpose of this bill is to educate the consumer so that by telling her the exact fiber content of that fiber, generically speaking, she will be more intelligent in her purchase of that article of wearing apparel.

If you tell a consumer that something is made of 60 percent cotton and 40 percent acrylic fiber, I tell you I don't believe there is a person in this room who is not technically trained—and I include myself among those—who would know whether that was better than if the

reverse were the case, 60 percent acrylic fiber and 40 percent cotton. It is just one of those things that doesn't mean anything to the consumer if you have to use a generic name.

We have to assume that the Congress is not going to take away the trademark from the owner of it who has spent a great deal of money to promote it, and I hardly believe that the producers of those fibers who have trademarked those names would be willing to throw them into the public domain.

So you have a very practical problem, and I would urge this committee, before endeavoring to vote favorably on this bill, to consider that problem and to consult with the Federal Trade Commission as to exactly how they would meet that problem in relation to the existing synthetic fibers, each of which has a special trademarked name which is the only name known to the public or to the trade.

There is another basic flaw in this bill, and it is a flaw in the sense of being a discriminatory standard.

As I read the bill, it has two standards of morality. For the manufacturer of the article of wearing apparel, it sets up a moral principle that he must indicate specifically the exact percentage of the fiber content of the article that he is selling. That is one basis.

When it comes to that very same article being advertised, the bill sets up a very different standard. It says that the advertiser, if he says nothing about the fiber content, is not practicing deception; he may, if he chooses, remain silent. It is only when he makes any reference to the fiber content that he must tell all. In other words, he must only then meet the standard that is imposed upon the manufacturer.

We are against this bill, and I am not saying this in an effort to cure a flaw in the bill. I would rather put it this way: That as far as we are concerned the standard being offered to the advertiser in H. R. 469 we believe is a fair standard and one that the textile industry could live with, namely, if we make any references to fiber content, we should tell the whole truth. But if we make no reference to it, we shouldn't be told that therefore we are violating the law.

That is the standard for the advertiser. And if the same standard were applied to the manufacturer of the fabrics or of the article of wearing apparel, I believe there would be no complaint from what I know of the opposition to this bill.

But conversely, if the committee insists that the manufacturer must indicate at all times the exact fiber content of that article, we would urge upon you that for the protection of the consumer it is all the more important that that knowledge be shown in the advertisement of that article, in the placard, if you please, on the counter of the retail store, because if any of you have had experience in purchasing an article in a retail store, you wouldn't fumble around with the article to try to find a label that might be placed on any portion of the article which would indicate fiber content. You would in the first instance be guided by what that placard said, or what the newspaper advertisement said about the article before you even went to purchase it. And I know that women in particular react that way.

That would be what I believe, following through in the spirit of this bill, that if you insist that the manufacturer do it, I would say in all

fairness that the same knowledge be given to the consumer in any form of advertisement that relates to that very same article.

But again, for emphasis, I would like to reiterate, we are not advocating that. Quite the converse. We advocate that the standards set for the advertiser in H. R. 469, is a fair one, and one that the industry could live with without complaint.

If you gentlemen are looking for a compromise, we offer that as a strong suggestion of a compromise with which the industry could live. That if any reference is made to fiber content by a manufacturer, that he then reveal the exact fiber content. But if he makes no reference to fiber content, that he need not do so. And then the 2 sections, 1 relating to the manufacturer and 1 relating to the advertiser, would conform. But whatever is done, there should be conformity.

Senator SMATHERS. You say the advertiser now, if he makes mention of the quality or the quantity of the textile in the article, must tell the whole story?

Mr. KLURFELD. Yes.

Senator SMATHERS. Who prescribes those rules? Is that in this bill?

Mr. KLURFELD. That is in H. R. 469.

Senator SMATHERS. In other words, what you are saying—

Mr. KLURFELD. Excuse me. It is section 4 (c) of the bill, H. R. 469.

Senator SMATHERS. Is there any rule whatsoever on this particular subject now, or any law or regulation on announcing what goes into the makeup of an article? Are there any rules whatever in existence now?

Mr. KLURFELD. In terms of fiber identification?

Senator SMATHERS. Yes.

Mr. KLURFELD. I am not familiar with the Wool Products Labeling Act. It is outside my sphere. But in terms of the trade practice rules which the Federal Trade Commission has issued with regard to labeling, I know that in the linen rules that they do cover advertisements as well.

Senator SMATHERS. And there is a rule now in force by the Federal Trade Commission that if an article is linen it must so state?

Mr. KLURFELD. That is correct. That is the Federal Trade Commission has in its linen labeling rules required not only the labeling of the product by the manufacturer, but it requires that the advertisement of that product be correctly labeled to show what it is made of if it is made of linen, and that the advertisement must be truthful.

Senator SMATHERS. Is there such a rule with respect to wool today?

Mr. KLURFELD. As I say, I must defer to the fact that I am not familiar with the wool rules as such.

Senator SMATHERS. Off the record.

(Discussion off the record.)

Senator SMATHERS. What is your principal basis of opposition to this bill?

Mr. KLURFELD. Our principal basis of opposition to the bill is this: that as a practical matter we don't agree with the view that any such requirement is necessary to protect the consumer; that the consumer is much more interested in knowing the performance of those fabrics, and the performance relates to factors which are totally outside the fiber content, namely, whether the fabric will wear well, whether it is

shrink proof, whether it is color fast, whether it is dyed well. All of those factors.

Also, whether it can be washed easily, whether it can be worn after washing with little or no ironing. All of those factors, Mr. Chairman, relate to the finishing and the method of weaving of the fabric, and not the fiber content per se.

I don't want to say the fiber content has nothing to do with it, but it is not the principal or guiding principal that sets off one article from another.

There has been a great deal of testimony, for example, that two articles having the identical fiber content but differing in the type of weaving, the type of finish, the type of dye, all of those factors will make for a very different price of that article, and that the consumer would actually be misled in many instances in finding that one article had less of one fiber than another because it might be more useful for a particular end use in having less of one fiber.

Fortisan is a good example of that. A very small amount of it added to cotton will reinforce the cotton and give it strength. The consumer, if she saw "10 percent Fortisan," might think she was getting a superior article. She undoubtedly would not for that particular end use. Five percent would be more than adequate.

In other words, the proponents of this measure are picking on a factor in relation to the manufacture of textiles that is not the determining factor to set off a good quality from the poor quality. It actually doesn't tell the consumer what to buy or what not to buy. It doesn't educate her.

Senator SMATHERS. It helps educate her?

Mr. KLURFELD. Yes, it helps.

Senator SMATHERS. It is a forward step, you might say?

Mr. KLURFELD. Yes, it is a forward step. But it is like a little knowledge is a dangerous thing. If you don't follow through and give that consumer all of the other things that she needs to know to buy intelligently, you are doing her in many instances more harm than good, because the very questions that she wants answered would be answered by these other factors: washability, shrink-proof, whether or not it is color-fast, and so forth.

Senator SMATHERS. Would you be for advertising and on each of these articles just expand that label a little bit and put that information on there?

Mr. KLURFELD. Congressman Smith asked me that question privately last summer and my answer to him was this. and I will give it to you: We are giving the consumer today much of that information in those areas where we feel that we have established sufficient standards and proof that that is so.

Remember, we are even now working under the Federal Trade Commission Act, which requires that whatever we do say be truthful, and we could be prosecuted for giving the consumer false information.

Senator SMATHERS. You have admitted that it would be helpful to the consumer even to have this little information, although we all understand the principle that sometimes a little information is a dangerous thing. But at least it is a little information, and in the right mind and in the right hands it could be fairly useful.

Why would you object to them having this additional little information?

Mr. KLURFELD. It is not a little additional information. Were it so that the law already requires the manufacturer to reveal those things that determine the quality, the performance, and so forth, of the article of wearing apparel, we would say: Yes; add this to it, by all means, because tied in together it gives her the whole truth, as it were.

But until we reach the point where the textile industry is able to do that, we say that you are starting at the wrong end of this. You are giving the consumer that information which will not educate her to choosing a better article from a poorer article; that the percentage content of the fiber in the article is not instructive to her in and of itself, and the bill presupposes that that knowledge gives it to her.

Coming back to Congressman Smith's example of the 65 percent cotton and 35 percent Dacron, he is absolutely right to this extent: That it is true that that has been developed as an excellent combination for particular end use—a man's shirt. But, mind you, that is not the whole story by any means. That same combination needs a good finish, the goods have to be shrunk properly, the weaving has to be done just right.

Senator SMATHERS. Usually it is preshrunk and that is put on the shirt.

Mr. KLURFELD. Yes; they do that to promote the article, and they do that voluntarily. I want to emphasize we don't hold anything from the consumer and we don't think we need legislation to get us to give the consumer what we think he needs. With all due respect to the sponsors of this bill, we think that the fiber producers are much too far away from the consumer to know what information she wants. It is we who have developed these finishes to improve the quality of these fabrics, and it is the garment manufacturer who is improving his product in various other ways. He has a real incentive to do this. He doesn't need any law. But when you say to us that we are going to be the judges or someone else is going to be the judge as to what that consumer needs, then we say to you what is it you think that we are not giving them that they need? And we have to say to you very frankly, Mr. Chairman, that this information in and of itself will not give the consumer anything that will be of value to her.

Have I made myself clear?

Senator SMATHERS. Yes; you have made yourself clear. I am not yet clear, though, on the point that if this doesn't cost any additional sum, and if you will admit that it would not hurt them to know it, then what harm is there in doing it and, as a matter of fact, isn't there some net gain in doing it?

Mr. KLURFELD. First of all I didn't mean to imply that I agreed with the observation that it won't cost any more.

Senator SMATHERS. I don't know that you actually said that.

Mr. KLURFELD. No. Let me explain. As more and more combinations of fibers are used, in varying proportions, each manufacturer will not only have to have a hang tag. Today, for example, he could have a hang tag that he prints up as one hang tag and gives out to all of his trade for any particular end use.

For instance, dress manufacturers, or blouse manufacturers, and he could conceivably use the very same hang tag for a number of articles.

But when he begins to be bound by this law, he would have to print up a series of different hang tags, each of which would have a different fiber content on it, so that when he manufactures any particular combination of fibers it would go on that.

The physical work of keeping those apart and of seeing that the right hang tag goes on the right one and printing unlimited quantities of this, I am told that individual manufacturers will have to have hundreds of different types of labels to take care of the various combinations that they even use today. And that will increase as time goes on, as new combinations of fibers are developed. So it is very far from the truth to say that this won't cost industry anything. It is not just in the printing, it is in the handling and in having a department that separates these labels and seeing to it that the right label goes on the right article, and the label element of it, aside from the printing, will be considerable.

I have no figures on that, but I assure you that it would be far from the truth to say that this would not be costly to industry.

We also must remember that there is recordkeeping here, tremendous recordkeeping. There are guarantys that have to be given in writing. All of that detail work will involve additional labor and be costly.

It is no secret that the textile industry is not earning a very good profit on its capital today. And any thing, as was testified by Mr. Daniel this morning for Dan River Mills, anything that adds to that cost is not helping the textile industry.

We wouldn't care if it could be shown, for example, that as a result of this labeling requirement that there would be a surge of new consumer purchasing of textile products.

Senator SMATHERS. Are the textile people as such opposed to this?

Mr. KLURFELD. Yes, sir; they are unalterably opposed. I say to you that in my own association we represent not only the converters of cotton fabrics but also some of the mills who are integrated, who start from the bottom up, who weave the cloth and then go on to finish the cloth. Those mills as well are opposed to it.

We have a board of directors of 21 firms on our board who represent a cross section of the converting aspect of the industry, and all of them are opposed to this.

To say that the textile industry invited this is to say something that just doesn't conform to the facts. We have 29 associations composed of textile fabric manufacturers, garment manufacturers of all sorts, and Mr. Bachenheimer will testify as to who is in the association.

The entire textile industry, sir, with the exception of the fiber producers and some possible retail groups, are against this bill.

Senator SMATHERS. Who are the fiber producers? Do you mean by that the farm groups?

Mr. KLURFELD. No, sir. The fiber producers—well, yes; in the first instance when you speak of the natural fibers you of course would include the cotton growers.

When you get to the synthetic fibers, of course we are speaking of the synthetic fiber manufacturers. But when you get one level above that to the fabric manufacturers, whether they are synthetic fabrics or cotton fabrics, and then you get to the wearing apparel made from those fabrics, those 2 or 3 groups are all against this bill, to my knowledge.

Senator SMATHERS. The ones who make the actual clothes are against it?

Mr. KLURFELD. That is right.

Senator SMATHERS. The ones who make the cloth, the textile people—

Mr. KLURFELD. Individually they are all against it.

Senator SMATHERS. If they are individually against it, why aren't they collectively against it?

Mr. KLURFELD. In our association they are collectively against it.

Senator SMATHERS. Do you know of an association of them that has not stated they are against it?

Senator THURMOND (presiding). I think I might answer that. The American Cotton Manufacturers Institute—ACMI—a big organization, has not taken any definite position on it. That is correct, isn't it?

Mr. KLURFELD. Yes, sir. I might say this—

Senator THURMOND. The cotton council is more of a farmers group.

Senator SMATHERS. ACMI I am more familiar with.

Senator THURMOND. They have not taken a position, although many individual members are against it. Mr. Daniel, former national commander of the Legion, Dan River Mills, Danville, Va., testified this morning against the bill.

Mr. KLURFELD. Yes, sir. I might say that many of the larger textile manufacturers, fabric manufacturers, belong to several associations. A number of those belong to our association who belong to the ACMI. And I can say definitely that those large firms that belong to our association who also belong to the ACMI are against this bill.

Senator THURMOND. Off the record.

(Discussion off the record.)

Senator THURMOND. Have you finished your statement?

Mr. KLURFELD. Not quite, but I will be but a few minutes more.

May I say, Mr. Chairman, that we in the textile industry know very well that if we are in trouble and we think that the Congress could help us, we would be the first to come to the Congress. The textile industry as such, as I know it, aside from the fiber producers, have not come to the Congress to ask for this legislation because this legislation in their honest judgment will not help them. Quite the contrary, it will do the textile industry a great deal of harm.

And any feeling on the part of any particular fiber group that this is going to represent a benefit to them, I think is largely illusory. And I hope the day won't come when we will have to look back and say this was an ill-considered piece of legislation, and let's revoke it, and that it hasn't accomplished the purpose which its proponents hoped it would, because in terms of the textile industry we are beset by so many problems, and I am sure, Senator, coming from a cotton State you are very familiar with many of those problems, we shouldn't be saddled with additional regulation unless that is so important in the public interest, or unless it can be shown to be of such great benefit to a major industry like the textile industry.

I don't believe it can be shown that this is necessary to the welfare of the consumer, and I think we have already shown that the textile industry, aside from the fiber producers, don't want this bill, they

don't feel they need it, and they think it will do them a great deal of harm.

I hope that this committee will give adequate thought to this before saddling the industry with this type of regulation.

Thank you.

Senator THURMOND. Thank you very much for your testimony. We are glad to have you here.

Mr. KLURFELD. Thank you.

Senator THURMOND. The next witness is Mr. Bachenheimer.

Mr. KLURFELD. Mr. Chairman, I was just reminded: I failed to mention one little thing, if I may. On Tuesday of this week, when Mr. Jones, of the American Retail Federation testified, he made a suggestion to the chairman, who was Senator Magnuson, who was presiding at the time, that he would favor a meeting of all of the interests involved in the textile industry in this bill; of all the people who have testified, to meet privately and try to arrive at some decision as to what type of legislation this should be that would suit the needs of the entire industry.

In other words, some type of compromise so that we could resolve our differences. We took Mr. Jones up on that proposal. I want to say for the record that we have invited and are going to invite all of the witnesses who have testified to a meeting in New York on March 12, to discuss this entire proposal in detail, this entire bill in detail, and that we would like the record kept open if possible until that date so that any conclusion reached by that group could be submitted to the committee as the considered opinion of the entire group that meets, as to what form, if any, this legislation should take.

May I ask that we be given that privilege of having the record remain open?

Senator THURMOND. I am just presiding temporarily in the absence of Senator Magnuson. I wouldn't want to speak for him. You can contact him about that.

Mr. BAYNTON. I will be glad to.

Senator THURMOND. I imagine that he will be glad to accommodate you unless there is some special reason why he should not.

Mr. KLURFELD. We have in mind that we don't know how soon the committee will act on the bill after the conclusion of the hearings.

Senator THURMOND. I would suggest it might be well if you wrote a letter to Senator Magnuson and tell him about your meeting and ask him about that.

Mr. KLURFELD. I will do that.

STATEMENT OF RALPH J. BACHENHEIMER, CHAIRMAN OF THE JOINT COMMITTEE ON LABELING OF TEXTILE AND APPAREL

Mr. BACHENHEIMER. I am Ralph J. Bachenheimer. I am in the textile business and chairman of the joint committee on labeling of textiles and apparel on whose behalf I appear before you today. I am also chairman of the textile section of the New York Board of Trade, which is one of the members of the joint committee.

I am also a member of the firm of Iselin, Jefferson & Co., Inc., a subsidiary of Dan River Mills, that operates plants in Virginia, North Carolina, South Carolina, Georgia, Alabama, Texas, and Tennessee.

In other words, I am speaking here as a representative of the textile industry, of the converting industry, and of the textile and apparel manufacturers.

First of all, before beginning with my statement, I would like to bring out one point which came out this morning in Mr. Daniel's testimony. In my capacity as chairman of the textile section of the New York Board of Trade, I am speaking for such major mills as J. P. Stevens, to name just a few, Burlington Industries, Cone Mills, Dan River Mills, Reeves, the Abney Mills, and many more. In short, the great majority of the textile mills in this country belong to the textile section of the New York Board of Trade of which I am chairman. And this textile section has taken a strong stand in opposition to the bill. I hope this will clarify the impression that may have been created that the cotton synthetic mills of the country are not opposed to this bill. They are, and I am in a position to state this for the record.

I would like to start with my official statement and enter a few additional remarks. I would like to come back for a second to the point of the stand of the textile industry. The Association of the Cotton Textile Merchants of New York, which represents the selling arm of, I would say, over 90 percent of America's cotton mills, in a letter over the signature of its president, Mr. W. Ray Bell, addressed to the chairman of this committee, Senator Magnuson, came out this week in opposition to this bill. In other words, the Association of Cotton Textile Merchants, the selling arm of this industry, has officially gone on record as opposing this bill.

At this time before going on with my statement, I would like to read a copy of the letter sent to Senator Magnuson and to the members of the committee, to clarify the position of the textile industry as such.

It is from the Association of Cotton Textile Merchants of New York, 40 Worth Street, New York 13, N. Y., dated February 21, 1958, and reads as follows:

DEAR SENATOR MAGNUSON: New York City is the national center of distribution for American-made textiles and textile products. For nearly 40 years this association has served as spokesman for its members who are the sales divisions or marketing agencies for the output of a large percentage of the cotton mills in the United States. Their common interest and responsibility is the sale and distribution of cotton textiles in whatever form produced by the mills and required by the distributing trades at their appropriate levels. Thus, unfinished fabrics are sold to converters and the industrial trades; finished cloth goes to apparel manufacturers; fabricated products, like sheets, towels, bedspreads, etc., find ultimate consumer buying through wholesale channels and the retail trades. Because our function and very existence depends upon the maintenance and development of the largest possible distribution of cotton goods in this country and abroad, we are and always have been favorable to any proposal which gave promise of adding to the volume of textile demand. At the same time, we have consistently opposed undue restrictions which could only result in needless complications and wasteful costs, without any practical benefit to the trade or the ultimate consumer.

We have examined thoroughly the provisions of H. R. 469, named as the Textile Fiber Products Identification Act which is now under your consideration in the Senate Committee on Interstate and Foreign Commerce. Primarily the proposed legislation is designed to replace the individual freedom of private enterprise in matters of textile labeling and advertising with bureaucratic control under a new Federal statute and its consequent regulations. In our opinion, such a step is only desirable if there are most impelling and urgent reasons of public interest. Notwithstanding the bill's passage in the lower House, we don't think such reasons exist.

In the fields of household products and apparel, to which the bill is confined, it is our conviction that truthful and honest representation in the trade and to the consumer is not surpassed by any products in American markets. These are highly competitive areas and in them deception and misrepresentation would only bring disaster to the guilty firms or individuals. And where the question of fiber content is an important factor, it is only natural that the fiber element is played up to its full importance in labeling and advertising. This is particularly true in cottons, wherever the finer qualities of combed yarns or extra-quality growths are used. However, fiber content is but one of the many elements in fabrics or apparel and often subordinate to other features which make for sales appeal and consumer understanding. A first consideration is whether the fabric is woven, knitted, or felted. Also included in these vital components are the construction and texture of the fabric, its color characteristics and type of finishing process, any one of which may far outweigh fiber content in saleable or intrinsic value or consumer satisfaction. In fabricated products and especially apparel, new elements of style, design and fashion enter into the picture and have a dominant influence on identification practices. Should producers be forced into complete description of all ingredients, labels would have to be larger than the products and the consumer would be dazzled with confusion.

In view of the broad ranges of potential sales appeal and consumer satisfaction, it is our conviction that a Federal statute which pinpoints fiber content as the all-essential element to be regulated and policed in textile product identification is not only unjustified but might even prove misleading and deceptive to the ultimate consumer. Under prevailing conditions, which only demand that claims be honest and truthful, the consumer has a wide choice and can select fabrics or products according to his preference for qualities or properties, including the element of fiber content. While it is doubtful that the consumer's buying decision is based on any single advertised or labeled component, he is free to reject merchandise for any reason, including that of insufficient information. The truth is that factual information is now being supplied widely and wherever considered important in influencing the purchase and sale of goods. Truthfulness in the identification and sale of textile fabrics and products is already required under existing law and enforced regularly by such public agencies as the Federal Trade Commission and the Department of Justice plus the activities of semipublic bodies like the national and city Better Business Bureaus. Should the omission of claims concerning fiber content, even in unlabeled and unadvertised merchandise, become a criminal offense, the tasks of these agencies would be multiplied and many honest firms would be penalized, with no public or private benefit.

If our views are correct and the proposed legislation promises little or nothing for the consuming public beyond superfluous information, the excuse for a new law has completely vanished. For the textile trades do not want it and our customers in every segment of the apparel industries are unanimously in opposition. To them it would bring increased costs and the nuisances of recordkeeping without any compensations in goodwill, better understanding, or increased consumption of their products. The raw cotton and cotton textile industries need the confidence and continued patronage of these important customers and can ill afford any antagonism that will arise from burdening them and the public with added cost from useless legislation.

As to the charge that without mandatory legislation, cotton fabrics and products would be diluted with cheaper synthetic fibers, the Trade Practice Rules for the Rayon and Acetate Industry now prescribe that identification of those fibers must be made on labels and in advertising whenever they are components of any industry product. Under the enforcement of these rules, the risk of improper designation is reduced to the offenders against truthful labeling and advertising for whom penalties are provided in existing law. With respect to all cotton items, no need has ever been shown for compulsory labeling of such goods, since cotton is known and does not lend itself to deceptive practice.

In summary, we believe that the legislation proposed is not necessary at this time and would better be postponed until there is a clearly demonstrated need. In labeling and advertising there exist ample ways to punish fraud and deception under present statutes and there are no restrictions against positive identification of any ingredient, quality, or characteristic, providing the statements are truthful. The textile industry has always approved and practiced this method of individual choice whereby the responsibility for any claim rested with the

producer or seller who took the positive approach and used his judgment as to the propriety of featuring a brand or a distinctive finish, or other ingredients, of the merchandise offered for sale. We do not believe it wise to abandon this freedom for the sake of force measures which may boomerang to the disadvantage of increased cotton consumption.

Sincerely yours,

THE ASSOCIATION OF COTTON TEXTILE
MERCHANDISE OF NEW YORK,
By W. RAY BELL, *President*

To continue, this committee is composed of 29 trade organizations which I would like to list, and I would also like to elaborate on the size of the industry we speak for.

Among our members are:

Affiliated Dress Manufacturers, Inc., with 240 members, employing 16,000 workers, and doing \$200 million worth of business a year.

Apparel Industries of New England, having 100 members, employing 5,000 workers, and doing \$250 million worth of business a year.

Associated Corset & Brassiere Manufacturers, Inc., having 150 members, employing 25,000 workers, and doing \$310 million worth of business a year.

Associated Men's Wear Retailers of New York, Inc., having 240 members, employing 1,250 workers, and doing \$40 million worth of business a year.

Boys' Apparel & Accessories Manufacturers Association—I have no data available on the number of members who are employed or the volume of business.

Corset & Brassiere Manufacturers Association—the number of members and workers and the business volume is included in the Associated Corset & Brassiere Association data.

Handkerchief Industry Association, Inc.—I have no data.

Infants' & Children's Coat Association, Inc., having 150 members, employing 40,000 workers, and doing \$125 million worth of business a year.

International Association of Garment Manufacturers, having 50 members, employing 10,000 workers.

The Lingerie Manufacturers Association, Inc., with 65 members.

The Men's Tie Foundation—I have no data.

National Association of Blouse Manufacturers, Inc.—I have no data.

National Association of Shirt, Pajama & Sportswear Manufacturers, Inc., having 60 members, employing 75,000 workers, doing over \$1 billion worth of business a year. My record says \$850 million. It is over a billion dollars.

National Dress Manufacturers Association, having 240 members, employing 30,000 workers, and doing \$300 million worth of business a year.

National Knitted Outerwear Association, having 775 members, employing 40,000 workers, and doing \$600 million worth of business a year.

National Outerwear & Sportswear Association, Inc., having 125 members, employing 20,000 to 25,000 workers, and doing \$275 million worth of business a year.

National Retail Furniture Co., having 8,500 members, employing 300,000 workers throughout the country, annual volume \$250 million.

National Skirt & Sportswear Association, Inc.—I have no data available.

Negligence Manufacturers Association, Inc., having 49 members.

Popular Priced Dress Manufacturers Group, Inc., having 300 members, employing 45,000 workers, doing \$300 million worth of business a year.

Southern Garment Manufacturers Association, Inc., having 600 to 700 members, employing 200,000 workers, and doing over \$500 million annually.

Textile Distributors Institute, Inc., having 65 members, and doing over \$800 million worth of business a year.

Textile Fabrics Association, having 73 members and doing over \$10 billion worth of business a year.

Textile section of the New York Board of Trade, having over 80 members. The volume of business—I have no exact data—I can assure you it goes into billions, the firms I mentioned before, alone, including Burlington, Stevens, Lowenstein, Dan River Mills, and Abney are well over \$2½ billion. And that only touches a few of the members. I would conservatively estimate that the members of the textile section of the New York Board of Trade do a business approximating \$10 billion a year.

The House Dress Institute, having 35 members, employing 10,000 workers, and doing \$150 million worth of business annually.

Trouser Institute of America, having 100 members, employing 20,000 workers.

Underwear Institute, having 160 members, employing 50,000 workers, and doing \$400 million worth of business annually.

United Infants & Children's Wear Association, Inc., having 250 members, employing 28,000 workers, and doing approximately \$500 million worth of business a year.

United Popular Dress Manufacturers Association, Inc.—I have no data.

Mr. Chairman, I submit this is a very impressive list of opposition to this bill. If you add it up, we talk for a working force in the hundreds of thousands, and adding up the annual dollar volume, I would not be surprised if it came close to \$20 billion. This is the great majority of the textile-converting and the garment-manufacturing industry, all of which through our joint committee are opposed to this legislation.

To go on with my statement——

Senator THURMOND. Is that unanimous?

Mr. BACHENHEIMER. They are unanimous. All 29 groups are unanimously united in this joint committee, speaking through me as its chairman.

Senator THURMOND. You have the right to speak for them?

Mr. BACHENHEIMER. I have the right to speak for them.

To further show the importance of this opposition, I have read the attached names of our members, the approximate number of members each association has, the number of workers employed by these firms, their annual business volume, and the percentage of the industry they represent. This information is not complete but the figures which are available are more than sufficient to demonstrate how many people will be affected by the hardships created by this bill.

The fact that these many trade organizations have joined in a single statement against the bill should not cause your honorable committee

to overlook the scope and diversity of the industries for which we speak. They include textiles as well as garments. They include manufacturers as well as wholesalers and retailers. They cover those who produce or handle woven goods as well as knitted goods. We speak for underwear as well as outerwear, for manufacturers of men's clothing, women's clothing, infants' and children's wear. A glance at the list of trade associations subscribing to this statement should suffice. It should also be noted that these trade organizations reflect the opinion of a membership that totals several thousand business concerns which are deeply concerned about labeling practices and are located in all parts of the country.

Senator THURMOND. Excuse me. We have a live quorum. We have to vote. It will take about 20 minutes. How much more do you have?

Mr. BACHENHEIMER. It will take quite a bit of time.

Senator THURMOND. I hate to interrupt you.

We will recess for a few minutes.

(A short recess was taken.)

Senator POTTER (presiding). The committee will resume its hearing.

Mr. BACHENHEIMER. To continue with my statement:

Aside from the great number and the variety of firms for which we speak, it must be obvious that they occupy a position of special importance under the bills that your committee is studying; they are the persons on whom will be imposed nearly all the obligations of the proposed legislation and practically all the expense of compliance. It is upon the sympathetic support and cooperation of these thousands of concerns that the success of any garment labeling law must ultimately depend.

At the outset one thing should be made clear: We are no less interested than any other group that the consumer be adequately protected against misrepresentation. We support honesty in labeling and truth in advertising not only on principle but because we know it to be good business. We know not only in the abstract but as a matter of hard business experience that false or unfair labeling creates unfair competition and is ultimately destructive. We in the textile and apparel business need and want the legal and prompt protection that legitimate interests should have against possible damage by an unscrupulous seller.

But the Smith bill will not do the job. In its preoccupation solely with fiber identification it misses the main point of proper consumer and trade protection in textiles and apparel today. It rests on the same obsolete ideas that prevailed decades ago and which are among the basic premises of the Wool Products Labeling Act of 1939. Those concepts hark back to the day when there were just about three major fibers—wool, silk, and cotton—when wool and silk were quite expensive and cotton was relatively quite cheap, and when the merit of any material was crudely judged by whether it had more wool and less cotton or whether it had more silk and less cotton.

Now, ideas die hard. A great technological revolution has occurred in textiles. But there is certainly no evidence of any recognition of this revolution in the labeling practices and requirements that presently prevail under the old Wool Labeling Act. And it is even more disappointing to find that in the legislative proposal on textiles and

apparel labeling now before Congress the basic principles are still throwbacks to the ancient concepts that have now been outmoded.

Telling the truth to the consumer on a label involves a far more difficult problem than the mere itemization of fiber components and their respective percentages. Even if we were to grant that in some cases these may have some significance, the fact is that today in a majority of instances such information is of no practical significance at all to the consumer. It is of no significance because:

First, the relative merits of different grades and qualities of the same fiber are sometimes more important than the difference in the relative value to the consumer of two distinct fibers. Yet, no distinction under a fiber identification bill would be made in the first instance, where distinction might be important; and a distinction would be mandatory in the second case, where it is relatively unimportant.

Second, a major vice of the proposed legislation is that it fails to recognize the important qualities imparted to textile material by the particular mode of fabrication or construction used. In fact, it is wrong in deemphasizing those other commonly more important aspects of textile products by giving such undue emphasis to fiber identification alone.

Third, fiber identification can have value only where the consumer has some knowledge of the properties and characteristics of each fiber. But with the great increase in the number of fibers in use, many of them being new, a mere reference to fiber ingredients can only add to the confusion and furnish little or no aid. Of what earthly value can it be to Mrs. Housewife to note labeled references to Acrilan, Orlon, Nylon, Vicara, Dacron, Darlan, Verel, Creslan, Zefran, Dynel, or other fibers created by modern textile chemistry? How much less can she be expected to know about the relative merits of different blends of these fibers or of these synthetics with the natural fibers? Yet this is the kind of information which extension of fiber identification from the Wool Products Labeling Act to all other fibers would undertake to present the American public, at millions of dollars of expense to garment and textile firms throughout the country.

Fourth, there are no small number of instances in which fiber identification, coupled with percentages, may even be misleading. A small amount of nylon, when added to certain fabrics, imparts considerable strength, strength wholly disproportionate to its weight. A consumer would have to know more about textile science than can be expected of the common layman to recognize the significance of an addition of 10 percent nylon to another fiber or blend. Again, for example, in the case of certain curtains, the effort is made to add considerable strength by a relatively small proportion of Fortisan. The art of manufacture lies in adding great strength with a relatively small admixture of this ingredient. The fact that the amount thereof stands at 5 or 10 percent is likely to be wholly misleading to a lay man in terms of its importance.

Fifth, textile science is coming increasingly to recognize the excellent results that can be achieved by blends of fibers. The variety of such combinations is virtually unlimited. What significance in terms of actual merits would a list of the components of various mixtures convey to the consumer? None. One of the unfortunate consequences of placing such emphasis on fiber identification is to support

the false impression that any material which consists of 100 percent of anything is somehow superior because of the suffix "100 percent." Such legislation, if passed, can only prolong false notions of this kind.

The important point about the proper labeling of textiles is not in mere accuracy of information. The important thing is selectivity—that is, the selection of those representations that deserve chiefly to be noted. They will not always be the same in every case. They will depend upon the use to which the article is to be put.

We are talking here about an inconceivably great variety of goods. They serve a tremendous variety of purposes. The consumer is, of course, primarily interested in how well they will serve the particular need for which he or she bought it. In some cases the consumer's primary concern will be washability. In another it may be fastness to sunlight. In another it may be elasticity and the capacity to recover its original dimensions. In another case it may be durability. The point is that in the majority of instances it is the essential performance factor that the consumer is interested in having rated; not the fiber ingredients that have gone into the product.

It should be apparent to any legislator who has attempted to draft legislation of this kind how impossibly difficult it is to generalize about the most pertinent characteristics that a consumer should know about any of the immense varieties of articles that will fall subject to a labeling bill of the type he had proposed.

It must also be apparent that a bill that aims at truth in labeling, if it is to be of service to the consumer, must recognize at the outset that the amount of information that can be contained on a tag or label is extremely limited. The information to be contained thereon should be of the type most pertinent and essential to the consumer's wise purchasing and sound use. We cannot attempt to say in every instance what that information should be. It will obviously not be the same for a man's cravat as for an infant's diaper. We in the textile and apparel industry will not—and neither will the Congress—be discharging our responsibilities to the public if we merely require a disclosure of fiber ingredients and say "let it go at that."

The effect of mandatory labeling of fiber ingredients as in the case of the Smith bill, H. R. 469, imposes an immense burden on textile and garment manufacturers without serving the essential purposes that sound labeling should carry.

There is, of course, good reason why a bill such as this one will find great support among various fiber sponsors. It is naturally in the interests of cotton growers to emphasize the use of cotton. Manufacturers and sponsors of various synthetic fibers under special trade names are no less interested in the promotion of their products. It is obviously in the interests of such fiber groups to support legislation for fiber identification. It amounts to obtaining a free publicity ride at the expense of the textile and garment manufacturers. But it is obviously special legislation and however much such supporters may speak solicitously of the consumer's interest, the ax which they are grinding for themselves is altogether too conspicuous. Legislation of this kind would be a publicity feast for the various fiber interests. It is the textile and garment manufacturers who would be expected to pay the bill.

We fabric makers and apparel producers are in the position of fiber consumers. We are continuously subject to the promotional efforts of various fiber groups. Every fiber has its special valuable features. None is perfect. We stand in the position of the consumer in that we are constantly seeking—indeed, it is necessary for our business progress that we discover the best fabrics and garments that we can turn out at a given price. We are expert enough to know that we must not be fobbed off with mere fiber names. We know that consumer satisfaction depends on performance and not the promotional magic in the names of fibers, vegetable, animal or synthetic. We know that it is performance that counts and we know that it is the performance factors that the consumer is primarily interested in and that should primarily be made known.

We submit that it would be an expensive and serious mistake to saddle the textile and garment manufacturer with a great expense for relatively little value to the consumer. On these grounds we feel that the H. R. 469 ought not to become law, and that study be made of the kind of labeling that would be the most beneficial to the consumer. To such a program we would devote our earnest and best efforts.

Mr. Chairman, let me add a few brief remarks and illustrations.

Mr. BAYNTON. May I ask a question?

Senator POTTER. Yes.

Mr. BAYNTON. Your last remark, does that mean that you would be for what might be called a performance labeling bill?

Mr. BACHENHEIMER. I have similar suggestions I would make.

First, a short practical illustration. As I mentioned before, I am not a trade association man. I am actively engaged in the textile field. We are continuously called upon to bring out new fabrics to suit consumer needs. As recently as last week, I had been working on a new fabric for men's wear for 1959. In order to achieve full wash and wear, we have been trying to construct this particular cloth 50 percent Dacron, 50 percent Orlon. At the advice of the du Pont Co., which manufactures both Dacron and Orlon and, therefore, is vitally interested in these fibers, we are adding 25 percent rayon—viscose rayon to these fabrics, for one reason, not because du Pont does not want to sell Dacron or Orlon, but because a Dacron-Orlon blend alone will contain static and, therefore, not render proper service to the consumer.

If you finally find on the racks next year two garments, one labeled 50 percent Dacron and 50 percent Orlon, another one 45 percent Dacron, 30 percent Orlon, 25 percent rayon, the average consumer will shy away from the one that contains rayon, and yet that is a fabric which, in the mind of the fiber producer and of the mill, is the one which properly serves the consumer. But we cannot go out and tell the consumer that static is involved. We cannot go out and educate the stores. It is impossible. I think Congress has to admit that the people who are most closely identified with this industry is the mills. Today the industry is concentrated in reputable hands, and they are trying to create the fabrics that are best for the consumer because if we do not create good fabrics, we do not sell anymore of them, and we have to stay in business.

In other words, what I am saying is that fiber content is a science, a science for the experts, a science which cannot be understood properly by the consumer.

Senator POTTER. And the garment business is highly competitive, is it not?

Mr. BACHENHEIMER. The garment business is one of the most competitive businesses there is. The textile business on an average shows half the corporate profit rate of American industry. The garment business is even worse in profit showing.

To show you another practical example, many garments are made out of various fabrics, 2 or 3 fabrics going in as components of 1 garment. I could not possibly imagine what kind of label we need in a dress which has a front of a fabric containing rayon and cotton, sleeves made out of Dacron and cotton, and another body, possibly. It could be done. It is done. You have many garments made of 2 or 3 different kinds of fabrics.

Then, the manufacturer would have to figure out the exact percentage in each dress size or garment size, because different sizes need different size sleeves, different front, different back. It is physically impossible in that case.

Here I have a sample I would like to introduce which contains 63 percent viscose, 20 percent vicara, 10 percent acetate, 5 percent nylon, 2 percent silk. The reason why it is made that way is one reason only: We were asked to make a fabric, to have a particular look for fashion. There is no reason otherwise whatsoever. You do not always strive to make fabrics for performance. The dress industry basically wants one thing, and that is style. They want fashion.

I do not think that Mrs. Housewife could possibly figure out whether this blend is right or wrong. It gives the look she wants, that is all.

I think it would only add——

Senator POTTER. How would this wear?

Mr. BACHENHEIMER. It will wear satisfactorily. It will wear well.

It would be impossible for the housewife to realize why we have five fibers in there. They take different dyes. You see the multicoloration in there, and piece dyeing, and the possibility the converter has of dyeing this. It is unlimited.

Senator POTTER. Under the bill they show just the first three fibers.

Mr. BACHENHEIMER. That is right. This is a sample. Anyone of the last 2 could be more than 5 percent, and then you would have to show all 5.

I am not prejudiced in favor of any one of the fibers. Our mills run a majority of cotton goods, spun synthetics, blends. We buy over 250,000 bales of cottons in our own company, and we are selling agents for many mills. Our cotton consumption for the mills to which we sell is over 350,000 bales, which is close to 5 percent of the cotton crop consumed in this country. If we felt that that fiber identification would help cotton, we would be for it. To our mind all it would do is add confusion.

I would like to add for the record some tests made in 1954 by the Courtanlds Co. in Great Britain.

Mr. BAYNTON. Before you get too far away from that sample: You made that on order, as I understand your testimony, for someone.

Mr. BACHENHEIMER. For a particular effect; that is right.

Mr. BAYNTON. How would you deliver that? In bolts or what?

Mr. BACHENHEIMER. We deliver the gray goods only. The converter whom we sell to does the dyeing. By using different dyestuffs he can get an infinite variety of coloration because each fiber takes a different dyestuff.

Mr. BAYNTON. When it left your plant in what form was it?

Mr. BACHENHEIMER. On rolls in the gray state, undyed, unfinished.

Mr. BAYNTON. So to meet the bill, if it were law at this time, either by packaging one roll—

Mr. BACHENHEIMER. We would only show it on the invoice, because it is in an unfinished state. It is the ultimate manufacturer who would have to show it. We do not show it.

Mr. BAYNTON. As far as you were concerned, it would be the one—

Mr. BACHENHEIMER. Just on the invoice. I am talking about the ultimate effect when it comes to the trade.

These tests which were made in 1954 by Courtaulds, Ltd., in England, were a 30-month test on nurses uniforms. There were various kinds of blends. The main thing that shows up in these tests—and I will submit the report in full, and I am summarizing right now—is 1 category was all cotton, 1 was all rayon, and 1 was half rayon and half cotton. They were also two-thirds and one-third blend.

Interestingly enough, in 30 months' wear, the great majority of the all-cotton uniforms were worn out, the all-rayon uniforms were worn out. But the uniforms made half rayon half cotton had the finest performance.

A perfect example, to show that the 100 percent label alone does not mean anything. For a particular purpose, in this case a nurse's uniform for a particular blend was constructed and a 30-month wear test showed it superior.

Mr. BAYNTON. So that the nurses involved in this might be looking for the label with the 50-50?

Mr. BACHENHEIMER. The ones who went through the test, yes. But how many nurses in the world would know about what the nurses in Manchester, England, tested.

Mr. BAYNTON. I am sure the news would get around in England anyway.

Mr. BACHENHEIMER. That is pretty tough. That is one particular garment for one particular purpose. What I am saying is that 100 percent of anything does not mean necessarily it is the best. I would like to submit that for the record.

Senator POTTER. That will be made a part of the record in full.

MESSRS. COURTAULDS, LTD.,
USE-DEVELOPMENT ORGANIZATION,
Manchester, April 27, 1954.

INTERIM REPORT

NURSES UNIFORMS

Nurses' dresses were made up from blue regatta cloth in 6 blends of fiber and cotton and 100 percent cotton and 100 percent rayon as below:

F. 1775/0, 100 percent cotton utility x3310/2.

F. 1775/1, 3 percent 1½-denier 1¼-inch staple fiber, 97 percent cotton.

F. 1775/2, 50 percent 1½-denier 1¼-inch staple fiber, 50 percent cotton.

F. 1775/3, 67 percent $1\frac{1}{2}$ -denier $1\frac{1}{4}$ -inch staple fiber, 33 percent cotton.

F. 1775/4, 100 percent $1\frac{1}{2}$ -denier $1\frac{7}{16}$ -inch bright fiber.

F. 1775/5, 33 percent 3-denier $1\frac{1}{8}$ -inch fiber, 67 percent cotton.

F. 1775/6, 50 percent 3-denier $1\frac{1}{8}$ -inch fiber, 50 percent cotton.

F. 1775/7, 67 percent 3-denier $1\frac{1}{8}$ -inch fiber, 33 percent cotton.

The fabrics had been woven, dyed, and finished by Messrs. Walker Allen & Sons from yarns spun at Arrow Mill and the garments were made up by the Nurses' Outfitting Association to the measurements of 71 nurses at the Cheadle Royal Hospital.

Each nurse had three dresses which she was asked to wear in rotation and send to the hospital laundry. The forewoman at the laundry has cooperated most efficiently in this trial and has kept an accurate record of the number of launderings for each dress.

The dresses were measured now and handed to the hospital in July 1951 for distribution to their staff with the instructions for wear as above. The dresses have been inspected every 6 months in the hospital laundry. However, although 2 members of the UDO staff have made 4 or 5 visits to the laundry at each period they have never been able to see more than about half of the garments. Nevertheless, a representative proportion of the dresses from each fabric have been inspected.

The most recent inspection was in February 1954, when the uniforms had been in wear for 30 months.

Some dresses had then been discarded as unfit for further wear and these have been returned to UDO. Of the 12 returned, 6 were made from 100-percent cotton, 5 from 100-percent fiber, and 1 from the one-third 3-denier fiber, two-thirds cotton blend.

The following table deals with the condition of the garments as examined in February after 30 months' wear.

Quality	Number made	Number examined	Average laundering	Highest number	Lowest number	Average warp shrinkage (percent)	Appearance and wear: Worn out, bad, poor, fair, good, and very good
F. 1775/0, 100-percent cotton	33	16	20	31 (1)	3 (1)	0.2	6 worn out, 1 bad, 2 poor, 3 fair, 4 good; 25.5 percent.
F. 1775/1, 33-percent 1½-denier fiber	26	15	22	40 (1)	8 (1)	1.3	1 fair, 1 fair to good, 8 good, 5 very good; 80 percent.
F. 1775/2, 50-percent 1½-denier fiber	27	14	24½	36 (1)	8 (1)	.7	1 poor, 2 fair, 10 good, 1 very good; 80 percent.
F. 1775/3, 67-percent 1½-denier fiber	28	19	25½	35 (1)	14 (2)	2.5	1 poor, 5 fair, 1 fair to good, 7 good, 5 very good; 63 percent.
F. 1775/4, 100-percent 1½-denier fiber	18	11	22	32 (3)	8 (1)	2.0	5 worn out, 6 good; 50 percent.
F. 1775/5, 33-percent 3-denier fiber	26	19	27½	41 (1)	15 (1)	1.8	1 worn out, 1 poor, 6 fair, 6 good, 5 very good; 58 percent.
F. 1775/6, 50-percent 3-denier fiber	27	21	26½	37 (1)	14 (1)	-1.2	1 poor, 1 fair, 8 good, 11 very good; 90 percent.
F. 1775/7, 67-percent 3-denier fiber	28	15	25½	33 (1)	18 (1)	3.2	1 poor, 3 fair, 6 good, 5 very good; 73 percent.
Total	213	130					

It is very difficult to assess in any way accurately the value of the different qualities. The ranking of poor, good, very good, etc., was purely arbitrary judgment by the viewers based on the general appearance and amount of wear of the garment but the number of launderings varied and, of course, the different wearers treated the various garments differently, both on account of personal characteristics and also type of work.

However, it is significant that out of 12 garments withdrawn as unfit for further wear 6 were 100 percent cotton and 5 100-percent rayon. The 100-percent rayon was generally agreed by the nurses to be unsuitable both on account of its light, slippery nature and handle, and because it was too cool for wear all the year round.

Of the blends it is probably true to say that the 33-percent and 50-percent blends of 1½-denier fiber and the 50-percent blends of 3-denier fiber are better than the other 3 blends. This judgment is based on the properties of the total number of garments examined which have obtained a ranking of good or very good.

Shrinkage

The shrinkage of none of the fabrics is excessive.

Conclusions

Any of the blend fabrics is better to hospital wear, notably abrasive wear under collars and belts, than the 100-percent cotton cloth.

In view of the fact that the garments have been in use for 2½ years and some of such quality been washed 30 times without having to be withdrawn as unfit for wear any of the blends can be considered as satisfactory.

Possibly the F.1775/6 50-50 3-denier fiber with cotton is the best, but F.1775/1 and F.1775/2 are not very far behind.

The trial is continuing but it is hoped that a final report comparing the merits of the various fabrics can be made in September after they have had 3 years wear.

Mr. BACHENHEIMER. Another confusion we have is confusion in generic names. For instance, we refer to acrylics but how many acrylics are there? There are seven right now commercially developed. There is Orlon, Acrilan, Dynel, Creslan, Darlan, Zefran—I think I just gave a new name again—and Verel. And I am sure in the course of the next number of years there will be more.

One acrylics is not like the other. One has a low melting temperature, another easy flammability, another difficult flammability.

By referring the bill to acrylics, what would the consumer know? We have had occasions like now where an Acrilan was going to carpet staples very satisfactory until they found out it was easily flammable. So Varel, another acrylics, was added in a 50-50 blend and Varel, having a much greater resistance to flammability, gave the right performance in a blend with Acrilan to the carpets.

It is only by continuous experimentation that we in the industry find these answers. I assure you we have to find them or we wouldn't be in business tomorrow. But we cannot on every single blend and every single fabric educate the consumer on what is involved. It is impossible, particularly where we have continuously new fibers coming out.

The fiber manufacturers before we know what happens have a new fiber for us. We have to evaluate them. We haven't time or money to tell the consumer what each blend of each different fiber achieves. We have a set of standards in the synthetic industry known as L-14.2-1956, from the Textile Chemists Colorists Annual Yearbook: Color Fastness to Acids and Alkalis. Standard Test Method 652: AATCC American Standard L-14.2-1956.

PURPOSE AND SCOPE

Test specimens are evaluated for resistance to simulated action of acid fumes and sizes, alkaline sizes, alkaline cleaning agents and alkaline street dirt. These methods of test are applicable to textiles made from all fibers in the form of yarn or fabrics, whether dyed, printed or otherwise colored.

In other words, tests of color fastness do not specify at all the fiber content. We say cotton is one fiber. It isn't. Here in this pamphlet put out by the National Cotton Council we have minimum-care cottons, wrinkle-resistant cottons, durably crisp cottons, polished cottons, textured cottons, knitted cottons and winter cottons.

The National Cotton Council prescribes different handling and different caretaking for each different group of cottons, and they are all 100 percent cotton, and all would be labeled the same way. But the label will not tell Mrs. Housewife what to do. The National Cotton Council pamphlet tells them what to do with each type of cotton when they are all cotton. Again, different fabrics, one label, result: confusion.

Here is a list I would like to add to the record of man-made fibers and their technical names:

Based on the June 1957 Organon directory, the following listing of the man-made fibers produced commercially in the world is presented. For the noncellulosic fibers, typical generic names are shown in regular type, while representative trade names are shown in italic type; these illustrative names are not presented alphabetically, but, rather, are given in the order in which they appear in the June Organon issue, that is, by country.

A. Cellulosic fibers:

1. Rayon (viscose, cuprammonium, and nitrocellulose processes).
2. Acetate (cellulose acetate process), including diacetate and triacetate.

B. Noncellulosic fibers:

1. Acrylic and acylic-type fiber (Orlon, Crylon, Dolan, Exlan, Nymcrylon, Acrilan, Courtelle, Creslan, Dynel, Verel, and Zefran).
2. Dinitrile fiber (Darlan).
3. Polyamide fiber (nylon, perlon, Rilsan, Lilion, Nailon, Grilon, Amilan, Enkalon, and several United States trade names).
4. Polyester fiber (Dacron, Terylene, Tergal, Trevira, Diolen, Terital, and Terlenka).
5. Polyethylene fiber (Courlene and several United States trade names).
6. Polyvinyl alcohol fiber (vinylon).
7. Polystyrene fiber (Dawbarn and Shalon).
8. Polyvinyl acetate fiber (Avisco Vinyon).
9. Polyvinyl alcohol fiber (vinylon).
10. Polyvinyl chloride fiber (Rhovyl, Movil, Tevilon, Envilon, Bexan, and Polymers "45").
11. Polyvinylidene chloride fiber (saran, Velon, Kurehalon, and several United States trade names).
12. Protein fiber (Lanital, Merinova, Fibrolane, Ardil, and Vicara).
13. Tetrafluoroethylene fiber (Teflon).

14. Other fibers (Acrylonitrile-styrene and vinyl chloride-acetate).

C. Textile glass fiber: As defined in the text opposite and including aluminum-silicate ceramic fiber.

Senator POTTER. Does that conclude your statement?

Mr. BACHENHEIMER. No; I have a few more minutes, Mr. Chairman.

Senator POTTER. If you have some more exhibits, and care to identify them, you can place those in the record.

Mr. BACHENHEIMER. I plan to do that, Mr. Chairman. I also will put in the record and will not read them, to save time, the editorial written in *Modern Textiles* magazine, August 1957 (No. 8, vol. 38) where the publisher's viewpoint of the main trade magazine and the synthetic textile industry takes great exception to any possible gain the consumer can get from mandatory fiber content labeling.

Senator POTTER. That will be made a part of the record.

(The article referred to follows:)

[From *Modern Textiles Magazine*, August 1957]

PUBLISHER'S VIEWPOINT

PROPOSED FIBER CONQUEST LAWS WILL NOT HELP

Congress has in committee several bills which would require disclosure of fiber content in fabrics made of cotton and manmade fibers. In the opinion of most textile industry spokesmen, the proposed laws would do no good for consumers, while imposing on mills, converters, garment manufacturers, and retailers harassing burdens of work and unnecessary expenses in providing labels. The whole matter was carefully reviewed recently in New York City at a meeting sponsored by the National Association of Shirt, Pajama, and Sportswear Manufacturers.

Virtually all the speakers made the point that compulsory disclosure of fiber content would benefit the consumer very little while the expense of adding such labels to textile products would increase their price—an increase that would have to be passed on to consumers. One speaker, presenting the viewpoint of the mills, pointed out that there are many things beside fibers that go into making a successful textile product—"twist ratios, rate of speed of spinning, ends and picks, and the relationship between them, shrinkage, dyeing and finishing, and thereafter types of thread and trim used in end products—are all contributing factors toward the all-important thing which is the degree of satisfaction that will be given to the customer."

Another speaker, representing the dry-cleaning industry, said that, to the dry cleaner, "fiber disclosure alone means very little as he must know differences in color and finish behavior as they vary between different colors and dye types. But the proposed fiber disclosure legislation would be of no help even to the extent this knowledge would be useful to the dry cleaner simply because there is no provision in this legislation that the information be made a permanent and conspicuous part of the garment."

It seems to us that the views of the speakers are sound, and that it is virtually impossible for sincere and informed persons not to accept them. In the opinion of many responsible persons in textiles, what is needed is legislation to protect consumers from being deceived as to the durability, maintenance, and performance properties of a garment or other textile product. What these people advocate is a Federal law which will attach penalties to the shipment in interstate commerce of textile products bearing labels that misrepresent their properties. And they advocate an enforcement agency that will have the muscle to see that such a law is observed, and to penalize violators.

The key thought in this approach to the problem of labeling is that, as English and Canadian law requires, truth should be told about fabrics if anything is told. In other words, the manufacturer of a fabric or garment is required to speak truthfully if he speaks at all about the fiber content or performance qualities of his product.

But if he chooses not to label his product, he is under no obligations to do so and suffers no legal penalty for failing to do so. But failing to provide informa-

tion about his products, such a manufacturer opens himself to punishment in another and more effective way. He runs the risk of seeing consumers pass up his products in favor of products that are helpfully labeled. In a free economy, governed by the laws of the market, such punishment with its connotation of business failure, is a much more potent persuader toward right conduct with regard to labels than all the clumsily administered laws in the world.

(Signed) A. H. McCOLLOUGH,
Publisher.

Mr. BACHENHEIMER. Also a pamphlet published by Francis Simmons, American Viscose Corp. entitled "What Does the Consumer Want in Textile Labeling." This pamphlet makes it very clear that the consumer wants one thing: Performance, proper standards.

Senator POTTER. That will be made a part of the record.

(The article referred to follows:)

WHAT DOES THE CONSUMER WANT IN TEXTILE LABELING?

Based on Remarks to American Home Economics Association members, by Francis E. Simmons, manager, Washington office, American Viscose Corp., Hotel Woodner, Washington, D. C., June 29, 1956.

The Congress of the United States will soon consider requests for legislation which would require all textile fiber products to be labeled to identify their fiber content. The Wool Labeling Act already requires such identification on wool products. In addition, Federal Trade Commission trade practice rules require fiber labeling on rayon, acetate, silk and linen products. The current proposals to label all textile fibers are of major importance since existing requirements cover only one-fourth of all the commonly considered "textile" fibers. If jut is included, the proportion of fiber required to be labeled is even smaller.

Obviously labeling adds to costs. Usually these costs are paid in the first instance by manufacturers. Ultimately they are passed along to the consumer. Because manufacturers pay for such labeling, they are genuinely concerned with whether what they are paying for is actually buying consumer satisfaction. The consumer, and that means every one of us, should be interested in knowing whether any addition to the cost of living from textile fiber labeling is actually buying the assurances claimed for us by those who advocate textile labeling—at our expense.

Many years' experience with existing labeling requirements should be examined closely before the entire textile industry is blanketed under laws which would further increase its costs at a time when markets are hard won and extensive import competition is causing unemployment here. This is a problem to which Congress, textile and apparel manufacturers, distributors, and consumer groups like the American Home Economics Association, the General Federation of Women's Clubs, and others must give very careful thought.

Who sponsors labeling?

Every effort to secure fiber labeling has been represented as being in the consumer interest. Consumer organizations frequently have testified on proposed labeling. But it may be significant that in no instance have consumer organization initiated labeling requirements. The proponents have, in the main, been fiber producers or retailers. Neither of these groups is ordinarily faced with the burdens of textile-fiber labeling, by virtue of the fact that Federal Government jurisdiction is limited to interstate commerce. Since many fiber producers and retailers do not come within that jurisdiction, the Federal Trade Commission in administering the Wool Labeling Act and its own trade practice rules, has looked to manufacturers of fabrics, apparel, or other textile products to shoulder the responsibility for compliance. Since the retailer usually does not wish any business name other than his own on a textile product, the manufacturer is usually identified for enforcement purposes merely by a code number assigned by the Federal Trade Commission.

The first request for labeling resulted in the Federal Trade Commission trade-practice rules promulgated in 1937 for rayon, which then included acetate. These rules were subsequently revised in 1951 to provide separately for rayon and acetate. The impetus for this original industrywide requirement for fiber identification came chiefly from the silk trade, claiming to protect the consumer from misrepresentation of rayon goods as silk manufactures. The silk trade

was interested, also, in restraining the advance of a competitive fiber, but labeling could not stay normal progress.

Consumption of rayon and acetate in the United States expanded from 305 million pounds in 1937, when the labeling rules were adopted, to a record 1.4 billion pounds in 1955. Consumption of silk declined from 80 million pounds in 1929 to 55 million in 1937 and further to 11 million in 1955. By the labeling rules, the Federal Government bestowed on the rayon industry the equivalent of millions of dollars of advertising, so that the industry has always been favorably disposed toward fiber identification. But regardless of benefits or disadvantages to any industry or trade, it will be seen that the important question still remains: "What does the consumer want from textile labeling?"

WOOL-LABELING LEGISLATION

The Federal Trade Commission's labeling rules for rayon were followed closely by similar rules for silk in 1938 and for linen in 1941. The Wool Labeling Act, which became effective in 1941, is currently the only Federal legislation specifically requiring fiber identification. It, too, was advocated as a protection to the consumer. Its principal proponents were the domestic growers of raw wool. At their urging the act requires that "reprocessed" and "reused" wool be carefully identified. An obvious objective was to sell more "virgin" wool, wool which had not previously been employed. This was important in apparel and some firms capitalized on "virgin" wool fabrics. Even so, United States consumption of apparel wool has declined from 515 million pounds in 1941 to 285 million (scoured basis) in 1955, which was a good year for textiles.

As a result of the Wool Labeling Act, blankets, suits, overcoats, and other apparel produced for families in lower income brackets from wool recovered from mill remnants, cutting waste or discarded apparel, were required to be labeled plainly as "reprocess" or "reused" wool. In the course of processing, such wool became entirely sanitary, even if it has previously had consumer use. It has been argued many times that garments manufactured from some types of reclaimed wool can be equal or superior to the same products made of some types of virgin wool. So, above any claims made for the Wool Labeling Act there rises again the question of whether the consumer's best interest is served simply by fiber identification.

PRESENT LABELING PROPOSALS

That brings us to the pending bills sponsored by the National Retail Dry Goods Association and the National Cotton Council, which would make mandatory the identification in textile products of each and every type of textile fiber. Before adding to domestic manufacturing costs or subscribing to further increases in the consumer's cost of living, those who bear the initial brunt of labeling—manufacturers of fabrics or garments would like to know: "What does the consumer want in textile labeling?" Are the fiber identification regulations that now exist or that are proposed really designed to provide what the consumer wants from textile labeling?

It is now 15 years since the last preceding textile fiber labeling requirement was adopted. What may be the reasons for this later, renewed interest? Is it founded on consumer needs? Is it possibly prompted by the extensive development of new textile fibers in recent years? But on second thought it should hardly be necessary to legislate the requirement that these fibers be identified. They take great pride in identifying themselves. In many instances they have been offered by retailers simply for the promotion value which give to an otherwise prosaic textile product.

The National Retail Dry Goods Association has argued with considerable plausibility that it would be much easier for their retailer members if all textile fibers were treated similarly with respect to labeling and if the requirement stemmed from a single law. At present the Wool Labeling Act requires fiber identification plus a statement of the percentage of each fiber in wool textile products. The Federal Trade Commission rules ask merely that fibers be listed in order of their predominance in the total weight of rayon, acetate, silk, and linen products. Cotton and the newer man-made fibers are not covered by labeling requirements. Hence, the NRDGA is proposing legislation that would blanket all textile fibers, superseding the Wool Labeling Act. The NRDGA desire for uniformity in retail practice is an understandable motive but obviously it does not answer the important question of: "What does the consumer want in textile labeling?"

"KING COTTON" WANTS LABELING

Why is the cotton trade at this rather late date interested in legislation that lets the Wool Labeling Act stand but which would cover all other fibers with uniform fiber identification requirements? This legislation is sponsored by the National Cotton Council, with the impetus coming chiefly from its raw cotton growing constituency. There have been large raw cotton surpluses which the Federal Government has struggled to dispose. The total carryover on July 31, 1956, will approximate 14½ million bales or the equivalent of more than a year's current requirements for domestic use and export. On some occasions the cotton trade has been quite frank in expressing its feeling that perhaps it has missed the boat. Perhaps cotton-labeling requirements would have promoted a greater use of its product.

Furthermore, some of the man-made fibers, particularly rayon, have begun to penetrate farther into cotton's markets either in blends with cotton or used exclusively. Cotton's share of the United States market for textiles has declined from 85 percent in 1930 to 80 percent in 1940 to 68 percent in 1950 and to 65 percent in 1955. If the raw cotton trade hopes to "expose" through labeling these advances by rayon and other fibers and perhaps protect its markets, it might well consider the corresponding efforts of silk and wool. Textile progress cannot be restrained. And, of course, articles containing any rayon or acetate are already required to identify all fiber content.

The National Cotton Council's desires to utilize surplus raw cotton and to protect markets are perfectly plausible and understandable objectives, but they do not address the basic question: "What does the consumer want from textile labeling?"

LABELING FOR THE CONSUMER

Before blanketing the entire textile industry into one grand compact for fiber identification, the Congress, Federal administrative agencies, the textile and allied industries and the consuming public would certainly do well to examine the whole perspective of the problem to determine whether all of us as consumers are likely to get the most for the additional cost which any labeling will add to our everyday budget. To the consumer, fiber identification conveys information but certainly no guarantee of satisfaction.

For example, a rayon crepe fabric might properly be labeled as rayon, all rayon, or 100 percent rayon, whether its construction was the usual 114 warp threads with 68 filling threads, or, for illustration, it was adulterated 72 warp threads and 34 filling threads per inch. Of the two fabrics labeled identically, only the former would properly serve the intended use. A cotton fabric might be labeled as cotton, all cotton, or 100 percent cotton, regardless of whether it was an 80 by 80 construction or 40 by 40 thread count. Yet only the first fabric would serve satisfactorily the customary requirements of print cloth. Fiber identification per se carries no assurance of satisfactory fiber construction.

Of two fabrics of identical fiber content—rayon and acrylic—one might be completely satisfactory for a pleat rententive skirt and the other entirely unsatisfactory, depending on whether the acrylic was in the warp or filling yarn. Fiber identification per se is no guaranty of textile performance.

A pair of men's slacks or a woman's skirt might be properly labeled as of acrylic fiber, giving the impression that it was completely washable, only to find that when the garment was laundered its pockets or trimming had been of different material which shrank so as to mar the appearance of the garment. Fiber identification per se is insufficient information for apparel maintenance, that is, to show whether a garment may be washed or must be dry cleaned to avoid excessive shrinkage or color fading.

UNDERWRITING CONSUMER SATISFACTION

The foregoing examples could be multiplied many times over, but they suffice to demonstrate that the construction of a fabric for an intended use, the satisfactory performance of a garment and how it can be serviced or maintained, are much more important to either the buyer in the trade or to the ultimate consumer than is the mere identification of fiber content. In addition to price and style, the consumer's principal interest in a garment is whether it is going to wear well, can it be washed or must it be dry cleaned, and what is the appropriate ironing temperature.

Testimony on the National Cotton Council bill in the 84th Congress cited cases where customers had ironed certain garments and found that they fused at the

iron temperature ordinarily used for cotton. Designation of the fiber content would not correct this situation in the case of the inexperienced newlywed. The National Coat and Suit Industry Recovery Board opposed fiber identification before the 84th Congress because: (1) Mere fiber identification is in fact misleading in that it does not convey to the consumer any information concerning quality and performance standards; and (2) the industries affected and charged with the obligation of labeling will be burdened with additional costs of labor and recordkeeping.

To aspire to performance labeling rather than fiber identification is not reaching for the moon. It is a rather easily obtainable objective. The American Standards Association has approved American Standard L22 for rayon, acetate, and mixed fabrics. These standards can be adapted readily to fabrics made of any other fiber. Fabrics constructed in accordance with these standards guarantee satisfaction for their intended use in women's apparel, men's apparel, household textiles, and so on.

Concerning the L22 standards, the National Retail Dry Goods Association's president recently stated: "We are certain that * * * American standards for all fibers and of wide acceptance and recognition will be achieved. * * * Consumers, retailers, and producers must all work toward the common goal of making performance standards a consideration as important as style and price. Once we have acquired the three-dimensional habit of textile evaluation—price, style, and performance—performance standards will then have become an established element of textile quality."

CONSUMERS WANT PERFORMANCE LABELING

American Viscose Corp. has always favored fiber identification. Since we sell textile fiber and yarn, it is a simple matter to indicate the fiber content on the invoice and packaging, as we have done for almost 20 years under the FTC trade practice rules. Existing and proposed fiber labeling legislation do not impose any particular burden on our industry. In any event, the burden falls mainly on subsequent stages of fabric or garment manufacture. Nevertheless, American Viscose Corp. feels so strongly that consumers prefer performance labeling to fiber content identification that our company is spending several million dollars annually for nationwide promotion of an Avisco integrity tag which, on a fabric or garment, insures to the customer that the fabric is specifically constructed to give satisfactory performance in the particular garment or textile product.

The Avisco integrity tag on garments indicates that they fall into 1 of 3 maintenance categories: (1) Completely washable; (2) machine washable at hand temperature; or (3) must be dry cleaned. These tags give consumers an assurance of fabric strength and resistance to abrasion, in addition to guaranteeing that the fabric has been tested for resistance to shrinkage and color fading from washing or exposure to light. We believe that in endorsing the ASA L22 standards and through using the Avisco integrity tag, we are far out in front of the effort for mere fiber identification. Yet we would gladly share our position in the knowledge that what is best for the consumer is best for industry and trade.

We would respectfully ask Congress, the Federal Trade Commission, other administrative agencies, the textile and apparel industries, retailers, apparel maintenance trades, and especially consumer groups to give serious thought to exactly what the consumer wants from textile labeling.

Mr. BACHENHEIMER. I am adding to the record a booklet by Miss Caroline Boyer, of the public relations department of the American Viscose Corp. under the title "Performance Labeling Is Your Goal." It was presented at the University of Missouri October 18, 1957, where again Miss Boyer deals very eloquently with the fact of proper promotion of textiles and how useless fiber content labeling alone is.

Senator POTTER. That will be made a part of the committee files.

(The document referred to above is on file with the committee.)

Mr. BACHENHEIMER. I am adding for the record here these speeches given at a fiber identification symposium under the auspices of the National Association of Shirt, Pajama, & Sportswear Manufacturers at the Hotel Astor, New York City, June 24, 1957.

First, a speech for fiber identification by Jackson E. Spears, vice president of Acrilic Industries.

Senator POTTER. How many of those speeches do you have? The committee will accept all the speeches.

Mr. BACHENHEIMER. All right, Mr. Chairman.

(The above-mentioned documents are as follows:)

SPEECH BY JACKSON E. SPEARS FOR FIBER IDENTIFICATION SYMPOSIUM

All of us connected with the textile industry, whether fiber producers, mills, converters, garment manufacturers, or consumers, recognize the need for improving the language of communication between us. It is most important that this be understood at the outset because we're not talking about whether it is desirable for the consumer to know adequately and correctly the makeup and performance characteristics of the items which we are offering to the consumer. We are talking about whether this recognized need can be satisfied through legislation.

It happens to be our view that fiber identification laws, as such, fall short of the intended goals—and in fact, by emphasis on legal technicalities, deter a sound solution.

Perhaps a short review of the status of the textile industry with respect to the number and uses of the fibers will be of some value at this point.

It was not so long ago that textiles were either cotton, wool, silk, or linen. It was easy to distinguish between them. They looked different, they felt different, they went into different kinds of garments, they were handled in different departments of stores. The impact of chemistry on our industry has now changed all this.

Today we deal with eight major fibers—and the number is increasing. Additionally, such tremendous strides have been made in dyeing and finishing techniques that fibers and fiber characteristics are often more than outweighed in importance by the characteristics imparted during finishing.

Today it is no longer possible, even for the expert, to identify the fiber content of a fabric by its hand, touch, appearance—the garment it is in, or the department of the store in which it is to be sold. This is an age of blends—not of two fibers but of many fibers. The blending of fibers and the application of chemical finishes has been based on a desire to improve quality and offer better values. What we have been doing, as much as any other major industry on the American scene, is improving the quality and the usefulness of the end products available for consumers to buy. Along with this, and not entirely voluntarily on our part, I must add, we have been giving the consumer tremendous values. The position of textile products in the wholesale commodity index clearly shows that no industry is offering such values to the consuming public in this country today as is the textile industry.

To review the history of our present status a little more, the first impetus for fiber labeling came from the silk people who felt that proper identification of silk would forestall inroads of manmade fibers on fields then the exclusive property of the silk people. Much of the impetus behind the adoption of the Wool Labeling Act was similarly inspired. Now there is a move by some cotton people to get a fiber labeling bill to require the labeling of cotton products. There is a commensurate move by the NRDGA to get one fiber labeling bill to replace the several systems under which they, as distributors of textile products must now operate.

Experience shows that there are certain facts which we should clearly understand:

1. The American consumer has the intelligence and the shopping ability to sift out the wheat from the chaff and buy better values when they are offered, regardless of labels used. That is why nylon hose replaced silk hose.

2. The usual reasons given for the importance of compulsory fiber labeling legislation is a protective device for the consumer are examples of deliberate misrepresentations by unscrupulous people with respect to what their product has in it or what it will do.

3. Every reputable member of the chain of production and distribution of textile products today already generally discloses the fiber content along with the performance characteristics of the fabrics being marketed.

4. Disclosures made by the textile mill products industry are made on the basis of attempting to convey the best information to the consumer that can be conveyed in the most meaningful fashion.

We just don't believe that consumer interests are best served through compulsory fiber labeling legislation. We know that there are many things besides fibers and fiber characteristics that go into making up a satisfactory textile end product.

Certainly fibers are important. This is the basis of the cake, but twist ratios, rate of speed of spinning, ends and picks and the relationship between them, shrinkage, dyeing, and finishing, and thereafter types of thread and trim used in end products—are all contributing factors toward the all-important thing which is the degree of satisfaction that will be given to the customer. If a highly technical law carefully proclaims the necessity of a disclosure of fiber content, there is a strong implication that other disclosures need not thereafter be made; that compliance with the law designed apparently for the consumer's protection in itself and per se will provide the consumer with all the protection the consumer needs. Such is certainly not the case.

We are actually making some fabrics today contained five fibers. Each is put in for a purpose. Each plays a part in the final result. But the way in which they have been used is at least as important as the fact of their use. If a description of the fabric were considered adequate by listing the fibers another cloth of no similarity could be described by the same nomenclature. This would seem to be more confusing than informative.

The simple fact is that a law requiring fiber labeling implies that everything is just fine once the law has been complied with. Such an approach tends to protect the unscrupulous who can then so easily leave out ends and picks or take other shortcuts and still supply a legally and technically correct description of a fabric which on the surface makes it sound just as good as some other much better cloth.

Personally we have always been much taken with the approach the British have made to this problem through the British Marking Act—the system also in use in Canada. This law is a very simple one, merely providing that any representations made by the seller with respect to the fiber content or performance characteristics of a fabric must be accurate and truthful. The simplicity of such a law and its probable ease of enforcement commend it.

We feel that there is a need for the adoption of a far more adequate language of communication between consumers and the textile mill products industry. We are hard put to it to find the proper words to tell the consumer about the new products we are making, and we feel, by the same token, that the consumer has difficulty in finding language to convey properly to us her desires and needs. That is why a movement is on foot to develop end use standards.

Perhaps the word "standards" is in itself unfortunate here because what we're really talking about is a glossary of terms which would define correctly what both competitors and consumers mean when they describe something as being "washable" or "wash and wear" or "minimum care" or "colorfast," et cetera, et cetera. Certainly the requirements of such a common language cannot be found through the use of such technical terms as a "dinitrile" fiber, a "vinyl" fiber, and "acrylic" fiber, a "polyimide," or a "polyester."

The same philosophy applies alike to cotton and wool because there are literally hundreds of different kinds and varieties of natural fibers, each of which in itself has peculiar characteristics; some of which are better for one end use and some of which are better for another.

Settling this problem of terminology is not a legislative matter. It is an industry problem. We are working on it and each year we make real progress. It is interesting that our major stumbling block has been the speed of technological improvements. Fibers and fabrics are improving at a faster rate than our means of expression.

It must be emphasized again that the textile industry is today a multifiber industry. Few concerns today utilize just one fiber. We're all interested in all fibers. We're interested in making the best products we can out of the best fibers available to us for the purpose and in offering to the consumer the best values that we can. We think we have done an amazingly fine job.

We recognize that we have many shortcomings. We want to solve them. We want the textile industry to participate in the well-being of this country. We want the textile industry to prosper along with other growth industries because

we think we're a growth industry, too. We do not believe that compulsory fiber-labeling legislation will contribute to the solution of our language problems, nor will it help the consumer.

TALK GIVEN BY ALBERT E. JOHNSON, DIRECTOR OF TRADE RELATIONS, NATIONAL INSTITUTE OF DRY CLEANING, AT AN INTER-INDUSTRY SYMPOSIUM ON FIBER IDENTIFICATION SPONSORED BY THE NATIONAL ASSOCIATION OF SHIRT, PAJAMA, AND SPORTSWEAR MANUFACTURERS, AT THE HOTEL SHERATON-ASTOR IN NEW YORK CITY, ON JUNE 24, 1957.

Ladies and gentlemen: With so many new and different fibers coming on the market these days, it is only natural to expect that the dry cleaner must know about fiber content to know how to properly handle today's fabrics. This supposition probably stems from the way we normally think of fibers, and from the way fiber makers discuss the performance characteristics of their products. Because consumer information on the performance of textiles comes mainly from fiber manufacturers, such information is of necessity rooted to the fibers themselves, both as to their functional characteristics, and as to their influence on care and serviceability of end products.

For the purposes of today's discussion, I propose that we think of fibers in terms of functional characteristics, and of fabrics in terms of serviceability characteristics. This is a logical approach because fibers only contribute to the functional values of a fabric, whereas the serviceability of the product we buy in the store is governed to a large extent on how efficiently the fibers are used in the fabric and, perhaps even more important, how well the fabric was dyed or printed and finished.

To be sure we understand the difference between the functional properties of fibers and the serviceability of fabrics, let us consider nylon for a moment. We can say that it has high tensile strength and high elasticity, low water absorbency, and low conductance, and a certain coolness of touch. There are many other functional properties we could mention, as well as the fact that there are several basic types of nylon. But the important thing to keep in mind is that these are all inherent properties of the fiber and they contribute certain performance characteristics to the fabric, depending on the particular construction of the fabric.

It is the inherent functional properties of fibers and fabrics that supply much of the excitement for fabric promotion. Terms such as "miracle fibers" are typical of this kind of excitement, as well as typical of the promotional excesses that have brought about pressures for fiber disclosure labeling.

Now let us consider fabric serviceability in terms of the ability of a fabric to withstand the conditions of its use. These include colorfastness to sunlight, crocking, perspiration, laundering, dry cleaning, atmospheric fumes, durability of finish, dimensional stability, tensile strength, and resistance to abrasion and pilling. All of these factors are essentially controllable in the manufacture and finishing of the fabrics, regardless of the fiber or fibers they contain, and regardless of the functional characteristics that a fiber supplies to the product.

The question then, as dry cleaners see it, is "What information of value does fiber disclosure convey?"

When we look at the statistical record of NID's textile analysis service, we find that most of the consumer complaints our members receive are related to the serviceability of the fabric and not to the functionability of the fiber. Some of the categories of difficulty are: Solvent soluble dyes on cotton, cotton and synthetic blends, and 100-percent synthetics; sun fading on all types of constructions; crocking; water-soluble sizings (extreme sensitivity to water contributes to water-spotting damage and stain removal difficulties), and sunlight atmospheric degradation of silk, and delustered forms of nylon, rayon, and acetate.

From an operating standpoint, the dry cleaner does think in terms of fiber types, but only in the broadest sense. Fiber disclosure alone means very little as he must also know differences in color and finish behavior as vary between different colors and different dye types. But the proposed fiber disclosure legislation would be of no help even to the extent this knowledge would be useful to the dry cleaner simply because there is no provision in this legislation that the information be made a permanent and conspicuous part of the garment.

A recent instance where a permanent-type fiber content label would have been of possible service to the drycleaner is an all dynel, unlined drapery which was dry cleaned in the institute cleaning plant and ruined when pressed like hundreds

of cotton and rayon drapes being worked on at the time. Since it looked very much like a printed cotton drapery material, there was no warning that the fabric would fuse and become very stiff at standard temperatures on steam-heated equipment. But it would have been even more useful to our household department personnel to have been told on the label how this drapery should have been pressed.

Which brings us back to what we believe to be the crux of the whole problem of labeling. It is this: For the protection of the consumer and of those who renovate textiles in consumer service, should there not be some guarantee of minimum performance by which consumers will be assured of satisfactory serviceability throughout the fashion life of the product? Furthermore, if there are processing pitfalls to avoid in renovation, are these not the more important points of information to disclose than mere fiber reference?

To this end the drycleaning industry has long supported the principle of end-use performance standards as embodied in the present American Standard L22 for rayon and acetate, in AS L24 for institutional fabrics of all kinds, in the shirt standards adopted 2 years ago covering laundering and cleaning specifications and in the proposed standards of the Textile Distributors Institute that are presently being consolidated with L22 for an extension of this standard to cover all fibers.

The principle of minimum performance standards relates to the end-use requirements of a fabric, not to fiber content, on the logical assumption that the service requirements of the fabric for colorfastness, strength, finish retention, wear resistance, and method of renovation must be met or it will prove unsatisfactory to the consumer. Incidentally, the dynel drapery described earlier would not have passed the requirements of these standards.

We recognize that the application of standards, and the use of renovation instructions on labels in connection with standards, does not preclude the practice of misrepresentation of fiber content in the promotion of exciting and important functional characteristics that derive from fiber content. To the extent that such misrepresentation may be in conflict with the interests of our industry, we would suggest that consideration be given to a "truth in labeling" approach. If legislation were aimed more at insuring the accurate use of fiber terms in labeling, advertising, and promotion than at mandatory labeling of all products, the interests of consumers, the service trades and of the textile and retail industries, would be just as effectively served.

The standards movement has made slow but steady progress since 1949 when the National Retail Dry Goods Association undertook the leadership to establish minimum performance standards for rayon and acetate fabrics through the American Standards Association. It is significant that 3 major textile organizations are today producing cloth under 3 standards, and there are others who are undoubtedly contemplating using them also.

The drycleaner takes an active interest in these developments because he knows that in the long term, the gradual upgrading of textile performance characteristics to assure a greater measure of service security for all fabrics will also assure increasing consumer satisfaction for his services. He has no control over the quality of the products brought to him for renovation. He can only hope that those who make these products will recognize the vital role he plays in their own customer relations—that they understand how public good will accrues to them if they help him do a good job of keeping garments in useful condition. This they can do by making certain that their products meet accepted standards of end-use serviceability.

Thank you.

STATEMENT OF LOUIS W. HAVILAND, THE MOREY LARUE LAUNDRY CO., ELIZABETH, N. J., REPRESENTING AMERICAN INSTITUTE OF LAUNDERING, JOLIET, ILL., BEFORE THE INTERINDUSTRY SYMPOSIUM ON FIBER IDENTIFICATION, SPONSORED BY NATIONAL ASSOCIATION OF SHIRT, PAJAMA AND SPORTSWEAR MANUFACTURERS, AT THE HOTEL SHERATON-ASTOR, NEW YORK CITY, JUNE 24, 1957

A first reaction to mandatory labeling of textiles as to fiber content might well be that professional laundries should welcome this legislation. We then ask ourselves two questions:

1. What does the consumer want in textile labeling?
2. What type of labeling do we require to best serve our customers in the renovation of their washables?

We believe the answer to both questions is one and the same.

Many of our employees in the laundry industry today are housewives and all are consumers. They, in performing their work, are in the same position as the consumer who does her own laundering in the home. So, for the purpose of this discussion on fiber content labeling, we can assume that it makes practically no difference whether garments are laundered at home or in a professional laundry.

Classifications of articles in a laundry before washing is an operation requiring extensive training, knowledge of fabrics and particularly a faculty to determine color fastness and shrinkage resistance. Just informing us and the consumer that a garment contains 60 percent cotton and 40 percent rayon is of no value at all. The important thing to know is that the fabric has been designed specifically for the end use intended.

Fiber content is only one phase and we believe possibly the least important. The consumer really wants to know and should be informed if the colors are fast to sunlight, atmospheric fading, and washing. She wants to know if the garment she buys will fit her after laundering, that the seams are well constructed and that the buttons and trimmings used are of good quality.

The three proposed bills, H. R. 469, 5605, and 6524 call for the affixing of a stamp, tag, label, or other means of identification and require that this information remain on the fabric or garment until sold and delivered to the consumer. This, of course, is not permanent labeling and the information is soon forgotten after the tag or label is removed.

Two years ago, a launderability labeling program for shirts and sportswear was completed after almost 2 years of intensive effort by an interindustry committee in this very same group meeting here today. The final program produced five labels.

1. Completely washable.
2. Fully washable—Do not bleach.
3. Wash in warm water—Do not bleach.
4. Wash by hand in lukewarm water—Do not bleach.
5. Dry clean.

This is the type of information the consumer needs. If we are to have labeling, a program should be confined to helping the consumer to select and to care for the garment. This, the consumer will appreciate and welcome. It seems to us that fiber-content labeling is adding a needless cost to any articles coming under the jurisdiction of these three pending bills.

Our interest in the laundry industry is also the consumers' interest. We are depended upon for the correct renovation and care of washables.

Fiber content labeling is of no value to the consumer and may very well mislead her.

REMARKS MADE BY ISIDORE S. IMMERMAN, COUNSEL-EXECUTIVE DIRECTOR OF ASSOCIATED MEN'S WEAR RETAILERS OF NEW YORK, 270 MADISON AVENUE, NEW YORK CITY, DELIVERED AT THE FIBER IDENTIFICATION SYMPOSIUM SPONSORED BY THE NATIONAL ASSOCIATION OF SHIRT, PAJAMA, AND SPORTSWEAR MANUFACTURERS, HOTEL SHERATON-ASTOR, NEW YORK CITY, ON MONDAY, JUNE 24, 1957

Most of the debate on the merits of the proposed Smith labeling bill has been by representatives of cooperative groups. As a result the emphasis of the position of any one segment of the industry had to be merged with the overall picture. We as retailers, therefore, welcome this opportunity to be part of this symposium where each division of the industry can speak for itself. As a retail representative, it gives us the right to view the picture only as it affects the retailer.

It can be safely said that as ultimate distributors to the consumer, the person who is alleged to benefit by the bill, our department has had firsthand experience with consumer reaction to labeling, and we will be the ones to take on the first line of battle if the proposed bill becomes law.

Sound-thinking retailers have always subscribed to the theory that if it is good for the consumer, it should be good for the retailer. Retailers have long ago abandoned the legal right given to a seller to hide behind the philosophy of law, "Let the buyer beware." Untold fortunes have been spent by retailers everywhere to bring enlightenment to the public in helping to make for a more discerning customer.

With present day expedient roadway—give away—bargain basement—retailers making every effort to lure the consumer from the counters of the tra-

ditional retail specialty shops, there is more need than ever to safeguard the best in the rules of ethical retailer-consumer relationship so that it will provide the consumer with the ability to compare.

Notwithstanding the need for the highest degree of protection for the consumer, we say without reservation that the proposed legislation will not help. In fact, it is our considered opinion it will give fuel to the expedient promoting merchant and permit him to use the Labeling Act as an additional springboard for exaggerated claims. The reasons for the Wool Labeling Act were obvious. The public had an awareness and knowledge of the luxury value of wool. The percentage of wool combined with the percentage of other fiber was important information. The label gave the consumer the opportunity to compare values.

The same reasoning does not apply to the proposed legislation for the new fibers. No standard has been developed to truthfully inform the public which fiber when blended with other fibers has greater value than another, which blending would be more durable or more precious or more serviceable or more valuable.

As each of the new synthetic fibers have been developed, there was great excitement as to its qualities. We all recall the advertised features of nylon, Dacron, Orlon, etc., how in each case the mill told of the virtues of each fiber in the choicest of superlatives. Yet day by day since the inception of this era, new features have been added to the original fiber to improve it and give it added qualities. Are we ready now to say that X percent of one fiber plus X percent of another is more desirable than 100 percent of fiber X—the answer is definitely no.

The manufacturer of the textile places his label with the name of his designated fiber, to label the garment with any additional information will not give enlightenment but rather add to the confusion and exaggeration. It will do as we have already stated, enable the expedient, reckless merchant to promote at the expense of consumer confusion.

On the other hand, the traditional retailer will be left with the problem of untangling the mess created by the expedient and will be spending most of his time explaining away the exaggerated claim of the bargain-counter promotion.

The retailer has pioneered to build for quality merchandise and consumer confidence. The traditional retail specialist sponsored many of the present day important label requirements and marking methods. It was the retailer who educated the public to the measured shirt-sleeve length and the proper marking of same. He played an important part in establishing uniform sizing of sport shirts. He encouraged and gave his support to the adoption of standard launderability labeling. This same retailer would stand behind the proposed labeling act if he for one moment thought it would further good merchandising.

The proposed legislation in its present suggested form cannot serve the purpose intended. It is a law being fostered by one segment of the industry to the effect that because we have to do it the other textile people shall be compelled to do it. If there need be law to protect the consumer, then we respectfully submit standards must be developed that would first provide the consumer with the ability to discern and compare the legend of the label. To provide for labeling without the basic knowledge of understanding the content will serve no useful purpose.

PRESENTATION OF SEYMOUR A. MARROW, PRESIDENT OF THE NATIONAL ASSOCIATION OF SHIRT, PAJAMA & SPORTSWEAR MANUFACTURERS, AT THE FIBER IDENTIFICATION SYMPOSIUM, JUNE 24, 1957, AT THE HOTEL ASTOR, NEW YORK CITY

As spokesman for the National Association of Shirt, Pajama & Sportswear Manufacturers, it is my purpose to explain the attitude of our industry and association toward the pending legislation on fiber identification.

You have already heard and will hear before these presentations are completed, the opinions of many technical experts on various aspects of the proposed legislation. I do not appear as an expert. I merely have some thoughts to transmit.

The overwhelming consideration as we see it, is predicated on the understanding that all change of whatever nature, creates new problems. The test for whether the change is worthwhile must be in terms of, is the change of sufficient value to compensate for the new problems it will create? Or specifically, is this

proposed change on the whole, of sufficient benefit to the consumer to warrant the cost of the projected labeling program?

Let there be no misunderstanding about who will ultimately pay the added cost. Using this standard, we ask, will the labeling bill be so beneficial to consumers as to be worth the inconvenience and additional cost. In our opinion, the answer is negative.

We are opposed to the labeling bills as now being considered. Most of the briefs submitted in a review of the pending legislation call our attention to the fact that simple identification without accompanying education is meaningless, it is more than possible that this very legislation could result in the use of unknown, inferior materials, covered up under the guise of some technically correct label identification.

A label may advise "20 percent nylon"—this may add to or detract from the fabric, depending on many factors not mentioned. The consumer wants to know whether they have to be hand-dipped. They want to know if hot water can be used with no damage for excessive shrinkage. They want to know if they can send a product to a commercial laundry or whether commercial dry cleaning is required. They want to know all about the wearability, comfort, and handling required. Fiber identification without an accompanying textile course would be meaningless.

Our industry has worked continuously over the past years to help the consumer buy our product intelligently. We sponsored standard size identification. We sponsored standard washing instructions or dry-cleaning advice to the consumer by having garments identified as to type of handling required.

I cite the above to stress the deep sympathy and awareness we as an association and industry have for the consumers who buy and wear our products.

To very briefly summarize our position, we feel that inasmuch as the pending bills fail to cover the vital elements that relate to performance factors they can merely serve to confuse the public rather than to help them. For this reason, we are strongly opposed to imposing a complex, cumbersome program that can only cost the consumer more money and at the same time offer them little or no help in understanding the product they buy.

DO WE NEED A FIBER IDENTIFICATION LAW FOR TEXTILES?—PRESENTED BY ARTHUR M. KLURFELD, EXECUTIVE DIRECTOR, TEXTILE FABRICS ASSOCIATION, AT AN INDUSTRY SYMPOSIUM SPONSORED BY THE NATIONAL ASSOCIATION OF SHIRT, PAJAMA AND SPORTSWEAR MANUFACTURERS, ON JUNE 24, 1957, AT THE SHERATON-ASTOR HOTEL, NEW YORK CITY

Mr. Chairman, ladies and gentlemen, we have progressed a long way from the days when the principle of caveat emptor was controlling and consumers were thereby placed on notice that they were acting strictly at their own risk when purchasing any article. The movement away from this extreme position represents, in my opinion, progress in the right direction. The question is whether the proposed fiber identification law for textiles will really protect the consumer against misbranding and false advertising as the purposes of the proposed law state.

To put the question in another way: The issue is whether the disclosure of the exact fiber content really goes to the heart of the problem and tells the consumer what she really wants to know about the product before she purchases it. A parallel question is whether the failure of the manufacturer to disclose this information constitutes a form of deceptive concealment which requires remedial action. I believe the answers to these questions should go a long way in having you decide whether such a law is necessary and squarely meets the problem the consumer has in making an intelligent choice of a textile product in the store.

All of you are undoubtedly aware that the textile industry has been fiercely competitive for many years. If anything, this competition has been heightened in recent years. For this reason textile manufacturers are eager to give consumers all pertinent information in their possession to boost their own products. This information is usually contained on hang tags that describe how the garment should be washed; how it should be ironed; whether it is color-fast or preshrunk; the type of dyes used, etc. Producers have found through experience that consumers want this type of information rather than the

technical knowledge as to the exact percentage of fiber content in the product. To our knowledge, there has been no widespread demand from consumers for disclosure of fiber content as such.

In the past few years we have seen a host of new fibers developed and placed on the market under their own distinctive names. Each of these fibers has its own qualities and its performance, either individually or in combination with other fibers, is being methodically explored for various end uses by the industry. This is a time-consuming task and necessarily involves actual consumer experience with any particular product. For that reason the industry is hesitant to make any extravagant claims for any combination of fibers until it is certain of the performance of that combination.

If the industry is still in the process of learning how any particular combination of fibers in a textile product will perform, how can one expect that the consumer can be any more intelligent in her purchases by being merely told what the percentage of each fiber is in the product. The obvious answer is the consumer must rely on the reputable manufacturer to disclose to her truthfully how this product will perform. To tell her merely the percentage of each fiber contained in the product is largely meaningless and may even mislead her.

One may very well then inquire why the proposed law only requires the disclosure of the fiber content, without more. I believe the answer can be found in the reason why this particular law is being urged upon the Congress. As each new fiber has been developed, the manufacturers of these fibers necessarily have to spend a great deal of money to promote them. Naturally, this has caused keen competition between the various fibers, both natural and synthetic. For the fiber manufacturers this bill, if enacted into law, would give them a tremendous amount of free publicity for their particular fibers at the expense of the fabric and apparel manufacturers. In fact, the manufacturer of the garment or fabric would omit the fiber content at his own peril, with a possibility even of criminal action being taken against him. This is indeed a heavy price for the textile industry to pay to promote the names of the various textile fibers.

Aside from that important aspect of the matter, the truth is the disclosure of the actual fiber content of a textile product may very well deceive the consumer instead of making her an intelligent purchaser. Two products composed of the same fibers in equal proportions will differ considerably in quality depending on the quality of the fibers themselves, the yarn count of the fabric, the method of weaving, the type of finish used, the quality of the dyes, and many other factors that may enter into it. Merely to disclose to the consumer the percentage of each fiber in the product is an example where the maxim "a little knowledge is a dangerous thing" aptly applies. The consumer, if she makes her voice heard in Washington, will indicate that this bill to compel the labeling of textile products to show their exact fiber content is useless and does not go to the heart of the matter.

We are all familiar with the soap manufacturer who promoted his product by indicating that it is $99\frac{4}{100}$ percent pure. Strangely enough, none of the other soap manufacturers followed his lead nor do I recall any complaint on the part of consumers that they have not been told as to the exact ingredients or so-called purity of other brands of soap.

It may also be noted in passing that the manufacturer of the soap with the $99\frac{4}{100}$ purity has been left far behind in total sales by other brands of soap. In fact, other soap manufacturers have emphasized the qualities of their products in terms of whether they are beneficial for persons with dry skin, whether they can be used in hard water, etc. Surely, the consumer should be just as much interested in the soap she uses on her face as in the textile product that she wears.

There has been some question as to whether the Federal Trade Commission has the power under the laws that it presently administers to require manufacturers to disclose the fiber content of their products. In my opinion, the Commission has this power and the best evidence of it is the Commission's own annual report for 1948 in which the Commission stated:

"Informative labeling enters extensively into the work of the Commission under trade-practice conference rules. Fiber identification, or what is generally referred to as Truth in Fabrics, forms a large part of informative labeling work * * *.

"The object of informative labeling is twofold: (1) To aid intelligent purchasing and to prevent deception by informing consumers what they are to

receive for their money, thus enabling them to be in a better position to judge quality and to buy according to their needs or preferences; and (2) to protect business from the unfair commercial practices attendant upon the sale of competing articles under conditions of misleading representations or deceptive concealment of the facts."

Aside from the fiber manufacturers who are pressing for this law, one of the large retail associations has also sponsored a fiber identification law. This group claims the retailer needs this information in order to advise the consumer as to the merits of any particular textile product and in order to purchase textile products intelligently. We have no quarrel with these objectives; we do not agree that this information, in and of itself, will accomplish these objectives.

We find it strange that these same retailers shy away from any requirement that they disclose in their advertisements the exact fiber content for textile products or whether the product was made of new or reused fibers or from what particular foreign country a textile product may have been imported. If the consumer is entitled to know the fiber content of the product, she is equally entitled to have this other information as well.

It is our position that any textile manufacturer should be compelled to tell the truth about his product, if he discloses anything at all. In other words, the manufacturer who chooses not to disclose anything should not be treated as a criminal for electing to be silent. Such a manufacturer will soon learn through hard experience that consumers expect certain information and the most effective way of showing their displeasure is in refusing to buy his product. We resent the implication it is necessary to single out the textile industry for punitive action for failure to disclose fiber content. If such disclosure is necessary to protect the consumer in the case of textiles, it would seem to be equally necessary in the case of products made of wood, metal, plastic, or any other synthetic material. Such an all-embracing law would have little or no chance of being passed by the Congress.

The textile industry has no desire to hide the nature of the products it manufactures. Quite the contrary, it has every reason to play up the merits of its products by disclosing to the consumer their true qualities. It is our firm belief that consumer groups in their own interests should not endorse this proposed legislation for the simple reason that it will solve nothing if enacted into law and will, in fact, create more problems for the manufacturer as well as the consumer than it will solve.

ADDRESS BEFORE FIBER IDENTIFICATION SYMPOSIUM, JUNE 24, 1957, BY ARTHUR R. WACHTER, MANAGER, CONVERTING RELATIONS DEPARTMENT, AMERICAN VISCOSE CORP.

On June 29, a year ago, Mr. Francis Simmons, manager of American Viscose Corp.'s Washington office, addressed the American Home Economics Association's convention in that city, and he used as his topic the question which prompts our being here today—"What does the consumer want in textile labeling?" Mr. Simmons delivered to this audience the fact that American Viscose Corp. feels strongly that consumers prefer performance labeling to fiber content identification. This feeling is backed by many years of experience in the operation of quality control labeling programs.

As long ago as 1930, the American Viscose Corp. came to realize that they should regard the finished fabric as well as the greige goods and the yarn, and in that year began the well-remembered crown-tested plan. This plan was continued until 1947. The fundamental purpose of this plan was to provide added incentive for the production of serviceable fabrics made from our yarns. It served every branch of the textile trade whose merchandise was sold on a basis of practical serviceability, and its labeling facilities served the consumer as well, because it told her that the fabric in the article she bought was scientifically performance tested. The article was factually and informatively labeled and gave her instructions for handling and refreshing. This, we strongly feel, is the kind of labeling the consumer wants.

From 1952 until 1955 we operated the Avcoset program. This, too, was a quality control labeling program, and it told the consumer the article of wearing apparel she was contemplating could be purchased with assurance because the fabric it was made from had been performance tested to assure her its color would not run or fade, no matter how she washed it. It told her, too, that the article would not shrink out of fit, no matter how, or how many times she

washed it. I have to repeat, experience has taught us that this is the kind of labeling the consumer wants and understands. It's the kind of labeling that serves the consumer—it's helpful—it's factual—it's informative.

We have learned that the purchaser of fabrics or merchandise made from fabrics—whether converter, manufacturer, retailer, or consumer—is becoming progressively less indifferent to hidden quality deficiencies in what he buys. Color, for instance, is a primary stimulant in the sale of a fabric, however, if that color is fugitive or changes appreciably under normal circumstances, an honest sale has not been made and a customer, somewhere along the line, has been dissatisfied.

A pair of slacks that shrinks out of fit, a shirt that parts at the seams, or a blouse that fades because of atmospheric gases, is no more desirable than a "washable" dress that fades after its first or even after its tenth laundering. All these various fabric failures have prompted us to broaden and expand our quality testing and labeling program to include all three of the major maintenance categories. There are: Washable; machine washable at warm setting; and dry cleanable.

This newly expanded program for apparel fabrics was introduced in 1955 with a vigorous advertising program, weighted with the time-proven axiom, "It pays to please the customer." In this precedent-setting campaign to arouse attention of the public to fabric performance standards, waves of interest spread to every community across the country. The attention it attracted is dramatically shown in the widespread response received from both consumers and retailers. Its effect on the sale of merchandise carrying the tag demonstrates that the consumer is using it in her purchasing.

In order for a fabric to qualify for an Avisco integrity tag, regardless of its maintenance classification, it must pass rigid laboratory tests and these tests are according to American Standards Association's minimum requirements for rayon and acetate fabrics.

These standards are known and referred to as ASA L22, and they, and the test methods to be applied in measuring conformity to the standards, have been developed by the cooperation of scientists and technicians from the textile industry—including yarn manufacturers, weavers, knitters, finishers, processors, and converters. The tests cover the performance factors which are deemed applicable to the respective items according to end use and may include breaking strength; resistance to yarn slippage; shrinkage in laundering or cleaning; colorfastness to atmospheric fading, cleaning, dry and wet; laundering, either completely or at warm setting; perspiration; pressing, dry and wet; sunlight. If an item possesses a special finish designated as having some such characteristics as crease resistance or water repellency, it receives the test for this characteristic, as well as a test for the permanence of finish.

The test methods and the specific value of performance specified for the various end uses to which the fabrics may be applied are based upon the fact that, if a fabric passes the series of laboratory tests prescribed, experience shows that consumers rarely, if ever, will find fault with the fabric in the appropriate end-use item.

It is evident, is it not, that an Avisco integrity tag tells the consumer what she wants most to know, how will the fabric wear, clean and refresh?

Therefore, we at American Viscose feel strongly that most consumers will prefer performance labeling to fiber content identification as proposed by the bills now pending in the Congress.

Mr. BACHENHEIMER. Now, I would like to make a few brief concluding statements. Before this, however, I would like to answer a few off the record remarks Congressman Smith made before when Mr. Klurfeld testified before which I feel should be answered.

Senator POTTER. If that was off the record, there is no need of doing that. We haven't been influenced by their colloquy.

Mr. BACHENHEIMER. The Senator from Florida may have been influenced by it.

The 29 trade organizations I represent want officially on record to challenge the statement the National Cotton Council has made that the American Cotton Institute is for H. R. 469. To the best of my knowledge this is not the case. As a matter of fact, I can state that ACMI

has not take a position for reasons of its own. But as mentioned previously, the Association of Cotton Textile Merchants, to which all major mills belong, has taken a position in opposition, and so has the textile section of the New York Board of Trade, which again represents the great majority of the American mills.

I would like personally to see the names of any mills which do favor H. R. 469. To the best of my knowledge not a single mill, in writing or testimony, has come out in favor of H. R. 469. In all the 2 years we have groped with this bill, we have seen no evidence whatsoever of consumer demand for a bill like H. R. 469. I have heard various applicants say that the consumers want fiber content labeling. The bill states it is for the protection of the consumer. I personally cannot see how we can justify a bill to protect the consumer if the consumer has not asked for any protection. No consumer group has testified, no individual consumer has testified they need the bill. No evidence whatsoever has entered the record showing that consumers do want this bill. I am sure that if consumers would want fiber content labeling, the gentlemen of the committee would have heard from their constituents.

Based on the facts we have, we feel that there has been no consumer pressure or advocacy for a mandatory fiber content labeling bill.

Another thing, if the cotton council is very concerned to protect the consumer, the main problem has been neglected because if we talk about cotton we can talk about three-quarter inch staple cotton or fine Egyptian cotton. The cotton council is not making any effort to distinguish between the different types of cotton. Nothing can make a greater difference in the appearance and performance of cotton than the grade and staple of the cotton used.

If the Cotton Council wants to protect the consumer, one of the first things is to show the consumer the type of cotton in there. Cotton alone covers the waterfront. It doesn't say anything. So if they say they will protect the consumer, let's really do it.

As far as I can see from the witnesses who have already testified, and having read part of the record, I don't know of any organization outside of the Cotton Council which has testified 100 percent in support of H. R. 469. The only organizations outside of the Cotton Council that have testified in its favor are organizations which have testified they would support it, provided they are exempt.

Senator POTTER. I think there are others.

Mr. BACHENHEIMER. Generally, the great majority who have testified for it have testified with the proviso that they are exempt, or that the burden of labeling, of performance to the act, should be relegated to someone else, not to them. But no one was directly concerned with performance under the act, has come out for the act. I would like to make that point very, very strongly, because the people who have to live with the act, I think, are the people who have the strongest feeling about it.

One thing this act will do, it will retard progress, because as new fibers are developed which will not be known to the consumer, their establishment and acceptance by the consumer will be much slower, and fiber companies are more prone to develop fibers that a consumer will know nothing about, who much more likely will stick with names they have known.

I predict if this bill were to pass, we will retard progress in the textile industry because we will retard the development of new fibers.

Senator POTTER. I don't want to——

Mr. BACHENHEIMER. I am concluding, Mr. Chairman.

We believe, as much as anyone, that the American people should be protected. What we don't believe is that this protection is properly afforded if small single pressure groups are trying to put through laws which are against the interests of the people most concerned, without rendering any service whatsoever.

On the other hand, we are willing to cooperate. If there is a feeling we should have a fiber-labeling bill, we have drawn up a compromise bill which is a truth-in-labeling bill, a bill which says you don't have to say anything, but if you say something, say everything, say the truth. It is a voluntary-labeling bill.

We believe that if the people want a bill, and if Congress is seriously interested in serving all parties concerned, this might be a serious effort to reach a compromise.

Senator POTTER. Your proposed bill will be received by the committee for consideration.

Mr. BACHENHEIMER. I am introducing this truth and label bill in the record. It is to protect the consumers and others against misbranding and false advertising of textile products and for other purposes.

(The suggested bill is as follows:)

A BILL To protect consumers and others against misbranding and false advertising of textile fiber products, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Textile Fiber Products Misbranding Act".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber or textile fiber" means the fundamental unit, regardless of origin, capable of being spun, woven, knitted, braided, felted or webbed or otherwise fabricated into textile yarns or fabrics.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance, fibrous or nonfibrous, regardless of origin.

(e) The term "yarn" means a continuous strand of textile fiber or filament in a form suitable for spinning, weaving, knitting, braiding, felting or webbing or otherwise fabricating into a textile fabric.

(f) The term "fabric" means a planar structure produced by interlacing yarns, fibers or filaments.

(g) The term "textile fiber product" means any yarn or fabric, whether in the finished or unfinished state, used or intended for use in articles of wearing apparel, costumes and accessories, upholsteries, draperies, floor coverings, furniture, furnishings, beddings, and other domestics, which yarn or fabric or any portion thereof contains or in any way is represented as containing any natural or manufactured fiber or combination thereof; and any such articles herein above mentioned made in whole or in part of yarn or fabrics which contains or in any way is represented as containing any natural or manufactured fiber or combination thereof.

(h) The term "Commission" means the Federal Trade Commission.

(i) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, as amended, and the Federal Trade Commission Act approved March 21, 1938.

(j) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(k) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The manufacture for sale, sale, advertising or offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in commerce, or for the purpose of sale or delivery after the sale, shipment or receipt in commerce, of any textile fiber product which under the provisions of section 4 of this Act is misbranded or is falsely or deceptively advertised, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) This section shall not apply—

(1) to any common carrier or contract carrier in respect to a textile fiber product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(2) to any converter, processor or finisher in performing a contract or commission service for the account of a person subject to the provisions of this Act: *Provided*, That said converter, processor or finisher does not cause any textile fiber product to become subject to this Act contrary to the terms of the contract or commission service; or

(3) to any person manufacturing, delivering for shipment, shipping, selling or offering for sale, a textile fiber product, for exportation from the United States to any foreign country, where such textile fiber product is branded in accordance with the specification of the purchaser and also in accordance with the laws of such country.

DISCLOSURE OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) A textile fiber product shall be misbranded—

(1) if it is falsely or deceptively stamped, tagged, labeled, or otherwise identified as to:

(A) the constituent fiber or combination of fibers in the textile fiber product, through the use of generic terms of natural or manufactured fiber in the order of predominance by weight;

(B) the percentage of all fibers present, provided that deviation of the fiber content of the textile fiber product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification; or

(C) the standard of quality of any goods; or

(D) the fitness for purpose, strength, performance, or behavior of any goods; or

(E) the place or country in which any goods were made or produced; or

(F) the mode of manufacturing or producing any goods; or

(G) any goods being the subject of an existing patent, privilege, or copyright. The use of any figure, word, or trademark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this act.

(b) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if such advertisement, representation, public announcement offering for sale of such textile fiber product contains any

false, fraudulent, misleading or deceptive words, statement, representation, symbol, design, device, or trade description as to any of the matters stipulated in the foregoing subsections 1 (A) through (G).

(c) This section shall not be construed as requiring designation of the fiber content of any linings, interlinings, passings, stiffenings, trimmings, or interfacings except those concerning which express representations of fiber content are customarily made, nor as requiring designation of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided*, That if any such linings, interlinings, paddings, stiffenings, trimmings, or interfacings in any manner are represented as containing any natural or manufactured fiber, this section shall be applicable thereto and the information required shall be separately set forth and segregated as required by this section. The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce those products which have an insignificant or inconsequential textile content.

AFFIXING OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. Any person who shall cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to a textile fiber product with intent to violate the provisions of this Act, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

ENFORCEMENT OF THE ACT

SEC. 6. Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act. The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information referred to in this Act, and for segregation of such information for different portions of a textile fiber product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary to proper for administration and enforcement.

The Commission is also authorized to cause inspections, analysis, tests, and examinations to be made of any product subject to this Act; and to cooperate therein with any department or agency of the Government, with any State, Territory or possession, or with the District of Columbia, or with any department agency or political subdivision thereof; or with any person.

The Commission is authorized after public hearings to specify the generic name and/or non-deceptive trademarks by which each manufactured fiber in a textile fiber product shall be designated pursuant to this Act in any stamp, tag, label, or other means of identification.

INJUNCTION PROCEEDINGS

SEC. 7. Whenever the Commission has reason to believe—

(a) that any person is violating or is about to violate, sections 3, 5, 8, or 9 (b) of this Act; and

(b) that it would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the

United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF IMPORTED MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 8. All textile fiber products imported into the United States, shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this Act, and all invoices of such products required under the Act of June 17, 1930 (c. 497, title IV, 46 Stat. 719), shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of this Act, which information shall be in the invoices prior to their certification under said Act of June 17, 1930.

The falsification of, or failure to set forth the required information in the aforementioned invoices, or the falsification or perjury of the consignee's declaration provided for in said Act of June 17, 1930, insofar as it relates to such information shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act.

A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 9. (a) No person shall be guilty under section 3 if he established a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded under the provisions of this Act.

Said guaranty shall be either (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Any person who furnished a false guaranty, except a person relying on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, with reason to believe the product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates section 3, 5, 8, or 9 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit any other provision of this Act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

SEPARABILITY CLAUSE

SEC. 11. If any provision of this Act, or the application thereof to any person, as that term is herein defined is held invalid, the remainder of the Act and the application of such provision to any person shall not be affected thereby.

REPEAL OF EXISTING LAWS

SEC. 12. The provisions of any Act of the United States, insofar as they relate to the identification or advertising of fiber content in textile fiber products, be and hereby are repealed: *Provided, however*, Provisions of this Act shall not be held to be in substitution of limitation of an act entitled, "An Act to protect consumers and others against misbranding, false advertising and false invoicing of fur products and furs" (ch. 298, 65 Stat. 175).

EFFECTIVE DATE

SEC. 14. This Act shall take effect nine months after promulgation by the Commission of rules and regulations under this Act, and such rules and regulations shall be promulgated within nine months of the passage of this Act.

MR. BACHENHEIMER. In conclusion I would like to say that the textile apparel and converting industry is unalterably opposed to H. R. 469 in its present state.

Senator POTTER. I got that impression.

Mr. BACHENHEIMER. I am sorry I took so long.

Senator POTTER. It has been a difficult time for you because of the many interruptions. Everybody has been patient. We do want to conclude the hearings today if we possibly can. I know many of you would like to get back to your businesses.

Mr. Lovell, do you have a statement to make?

Mr. LOVELL. Senator Potter, first of all I promised the director and counsel of the National Outerwear and Sportswear Association, International Association of Garment Manufacturers, and the Trouser Institute of America, that I would file his brief for him. I had so advised Mr. Baynton. I have the original here for you, Mr. Baynton, and a copy for the record.

Senator POTTER. That will be received as a part of the record.

(The document referred to follows:

MEMORANDUM IN OPPOSITION TO H. R. 469 SUBMITTED BY NATIONAL OUTERWEAR AND SPORTSWEAR ASSOCIATION, INC., INTERNATIONAL ASSOCIATION OF GARMENT MANUFACTURERS, AND TROUSER INSTITUTE OF AMERICA

This memorandum is being submitted in behalf of the National Outerwear and Sportswear Association, Inc., the International Association of Garment Manufacturers, and the Trouser Institute of America.

H. R. 469, by its very terms seeks to protect the consumer in purchasing end use products made from textile fibers and the like. Insofar as woolen products are concerned, the consumer is, of course, protected by the Wool Products Labeling Act, and insofar as synthetic fiber fabrics are concerned, the Federal Trade Commission has issued regulations which are now in effect.

H. R. 469 has as its purpose therefore, the labeling of cotton textile products and seeks to include the labeling of synthetic fiber fabrics, which are already regulated by the Federal Trade Commission rules. Therefore, the crux of this bill is really to label cotton textile products. Nowhere in the reading of this bill do we find that the consumer will get any protection further than the protection already granted by legislation and Federal Trade Commission regulations, and it seems that further labeling of fabrics by the textile fiber content would not protect the consumer in any way, but rather, would add to the confusion which the consumer is already experiencing insofar as present legislation and regulations now in effect are concerned.

Section 4 (b) (1) of H. R. 469 provides that the product be labeled by its generic name in the order of predominance by weight; generic names are in many instances the property of the producer of the fiber, who have a property right in same and such generic name could not be used by any other fiber producer other than the owner of that generic name or his licensees. If the product is to bear the technical name, certainly very few consumers would know what it is about, since such a name is generally a chemical appellation of synthetic fibers.

Nowhere in the bill does it set forth that a cotton textile has to be listed as a long staple or any other type of cotton fibers which are used in a textile product, and frankly, if the garment is of cotton, we see no need whatsoever for labeling it as such.

The garment industry in the past years has suffered greatly. It has always been a low-margin profit industry, and at the present time is in one of its lowest states from a standpoint of volume, price, and sales. To add to the costs of the production of garments made of textiles at this time would wreak a severe hardship upon the industry and the ultimate result of passage of H. R. 469 would be the saddling of probably tens of millions of dollars of added cost to an industry which is already greatly harassed, and with no opportunity to add this extra cost to the sales price of the product.

If legislation would be designed to give the consumers the proper information and this low-profit industry could add the cost to their sales price, there would not be as much objection to this legislation as there is in the apparel industry today. However, in the legislation presently proposed by bill H. R. 469, I can see no reason for added costs for the purpose of labeling textile products which gives the consumer no helpful information, and in fact, no protection whatsoever.

The only way in which the consumer could be properly advised in regard to a garment which he purchases would be "performance labeling" which could tell the consumer how the product is to be washed, dry cleaned, or whether it would come under the wash-and-wear category, giving the consumer instructions as to how the garment should be handled or giving the dry cleaner the same information. Merely giving percentages of fibers means nothing whatsoever to the consumer, nor does it give him the protection which H. R. 469 evidently seems to try to accomplish, but certainly does not.

Some years ago, a bill to label cotton products was introduced into the Senate and hearings were held on same. The writer had occasion to testify at these hearings, along with other witnesses, and I know that we convinced the Senate subcommittee of the futility of labeling cotton products at that time and the bill was never reported out of committee. In view of the fact that bill H. R. 469 does not provide for giving the consumer the proper information nor protection, we feel it should also be discouraged by your committee.

STATEMENT OF M. J. LOVELL, PRESIDENT, NATIONAL ASSOCIATION OF SHIRTS, PAJAMAS, AND SPORTSWEAR MANUFACTURERS

Mr. LOVELL. As for myself, I pass. Put it that way.

Senator POTTER. I think most of the arguments have been made. Unless you have some new arguments to make.

Mr. LOVELL. No; I have no new arguments. We are wholly in concurrence with the statement that was made by Mr. Bachenheimer. I think it was very well done. There is a lot of meat in there for thought and consideration.

Not only for the objective of the bill, namely, to help the cotton farmer, but also and just as important, in the interests of the consumer.

I would like to make just one point as it affects our industry, and that is the men's and boys' shirt, pajama, and sportswear industry. We also have shorts and so forth in our jurisdiction.

I would like to make one little point for the committee, and that is to give you an indication of our annual volume of production, and then to consider how it might relate to the overall problem.

The production of men's shirts annually is 22 million dozen; boys' shirts, 7 million dozen; men's pajamas, 2 million dozen; boys' pajamas, 750,000 dozen; men's shorts, 10 million dozen; boys' shorts, 500,000 dozen.

The production of our industry in these items only, therefore, is 42,250,000 dozen.

Let's translate that into terms of layman's comprehension, namely, into units. You multiply that dozen by 12, obviously, and you find that we manufacture over a half billion garments per year, not counting collateral items of sportswear, and so forth.

Just consider what that means to our industry alone when it comes to compliance with the requirements of the proposed act. There are so many different types of textiles involved, as you have been so adequately informed. The record-keeping requirement, keeping after this over one-half billion garments, the staff, and the cost, and so forth. I would like to emphasize the point of numbers and then consider that that is just our industry. Multiply that all around by the great varieties of women's wear, children's wear, and in the domestics, the curtains, drapes, towels, pillowcases, and we are going to create a behemoth here which—and I talked this over with Congressman Smith before—which will collapse of its own weight. This will become so topheavy that we will be laboring here—as they say—“The mountain labored and brought forth a mouse.”

I hate to put it in that guise here before an august committee like this, but from the viewpoint of our experience in the trade—and mine goes back now 30 years, and I know what happens with these mandatory labeling requirements, and I hate to put it this way—because of the practical elements involved, they become more honored in the breach than in the observance simply because you cannot keep up with them; and that is mainly because they have no particular significance.

In this case, with respect to the fibers, it is not what the fiber is, it is what it does. That is the thing that is valuable and important, and we can't impress that on this committee too strongly.

Thank you very much.

Senator PORTER. We thank you for your testimony, Mr. Lovell.

Mr. Conover?

We are sorry for the delay in getting you to the stand this late in the afternoon. There is little we can do about it. You have been very patient.

You have a prepared statement here. It is short. You can do as you please, either read the statement or if you care to have the statement made a part of the record and highlight it, that is up to you.

**STATEMENT OF JOHN C. CONOVER, EXECUTIVE DIRECTOR, THE
CORSET & BRASSIERE ASSOCIATION OF AMERICA, NEW YORK
CITY**

Mr. CONOVER. I would like the privilege of reading it because I do think this approaches the problem a little bit differently perhaps than some of the other statements do.

Senator PORTER. You may do so.

Mr. CONOVER. My name is John C. Conover. I am executive director of the Corset & Brassiere Association of America, 200 Madison Avenue, New York City.

I am testifying for the membership of this association, and am likewise authorized to speak for the only other trade association in the foundation-garment industry, the Associated Corset & Brassiere Manufacturers, Inc., 220 Fifth Avenue, New York City.

This is, then a joint statement, representing the interests of more than 150 corset, brassiere, and allied products manufacturers, whose combined volume approximates 80 percent of the industry total.

Testimony has been presented by the Joint Committee on Labeling of Textiles and Apparel, which represents 29 trade associations, by its chairman, Ralph J. Bachenheimer. Both of the above-mentioned trade associations are members of the joint committee.

I will not concern myself with the general objections to H. R. 469 covered by the joint committee statement. I would like, however, to set forth the reasons for those objections as they relate to the corset and brassiere industry.

The present labeling practices of the industry and the matter of fiber content identification are prescribed by the trade practice rules for the corset, brassiere, and allied products industry promulgated by the Federal Trade Commission on December 1, 1955.

Senator POTTER. They have regulations which require certain standards for corsets and brassieres?

Mr. CONOVER. Not standard, sir, but do have labeling requirements.

Senator POTTER. Do those labeling requirements include fiber content?

Mr. CONOVER. Yes, sir.

The rule which governs the identification and disclosure of fiber or material content is based on the rules promulgated by the Commission for the rayon and acetate textile industry, silk industry, and linen industry, with certain modifications. This rule was promulgated by the Federal Trade Commission in accordance with the traditional approach to labeling legislation. It is the result of considerable careful and thoughtful study by the Commission to insure the public against misrepresentation, and to provide the public with fiber and material content identification necessary to the proper selection, wear, and care of foundations.

Under existing regulations, this garment which I hold in my hand carries a sewn-in label which identifies the fiber or material content as rayon, cotton, nylon, and acetate, in order to prominence by weight as required. This identification covers the entire rigid fabric section, and the balance consisting of elastic material. In the case of the elastic material, the nonrubber thread fiber and the fiber covering of the rubber core are fully disclosed. Clearly, no one buying this girdle could be deceived as to the fiber or material content.

H. R. 469 proposes that this product be labeled as follows: Rayon, 47 percent; cotton, 26 percent; nylon, 18 percent; and acetate, 9 percent. This is the actual breakdown of the fiber content of this garment.

The requirement of this bill that the percentages of the component fibers be identified provides no protection to the consumer against the possibility of misbranding that does not exist under current regulations.

Now, let's look briefly at the effect of these proposed labeling requirements upon a typical brassiere. This garment I hold in my hand is correctly labeled under existing regulations as "Acetate and Dacron satin elastic, and nylon sheer." This is a complete and informative disclosure of fiber content, to the consumer's benefit.

Under H. R. 469, the label would simply read—and here I have to make a correction to the copies which you have before you, due to the laboratory's method of computation of the content which proved incorrect—"Acetate 83 percent, nylon 12 percent, Dacron 5 percent." Certainly, this is not as informative, and provides no further protection to the consumer against misbranding.

A statement was made earlier here today that the additional cost of this labeling to the manufacturer would be infinitesimal. I believe that I can prove otherwise.

To graphically illustrate the unwarranted burden which this bill would place upon the garment manufacturer, let's consider this brassiere further. This is a size 36-D. The same style is made in sizes 32 through 40, with cup sizes ranging from A to D, for a total range of 20 sizes.

Senator POTTER. Are all those dimensions put on that brassiere, which you just read?

Mr. CONOVER. This is a 26-D, and it is so labeled.

Senator POTTER. That is all they need for size?

Mr. CONOVER. For size.

In the range of 20 sizes there would be several variations in the ratio of fiber content percentages, requiring different labels according to the size of the particular garment. Yet, all of the garments are acetate and Dacron elastic, and nylon sheer, as currently identified.

In an industry which produced nearly 250 million garments in 1957, labeled as to fiber content intended to insure that the consumer was properly informed regarding their wearing and laundering qualities, H. R. 469 is regarded as void of any contribution. Moreover, it places an undue burden upon the manufacturer. The cost of printing and attaching special identification tags, or of increasing the size of present sewn-in labels, of establishing laboratory facilities to accurately weigh the components of every style—and individual manufacturers market as many as 3,000 styles of all types of garments—and the cost of the additional recordkeeping required would be pure waste. Thus, the manufacturer suffers, and the consumer has gained nothing. For these reasons we are unalterably opposed to H. R. 469.

Senator POTTER. Mr. Conover, when did the Federal Trade Commission put into effect this labeling regulation concerning your industry?

Mr. CONOVER. The rules were promulgated on December 1, 1955, and effective 30 days thereafter, January 1, 1956.

Senator POTTER. What caused them to do that?

Mr. CONOVER. They were, sir, a rule, 1 of 20 in a typical set of trade-practice rules, which we, the corset and brassiere industry, voluntarily requested to eliminate certain ills and abuses in the industry, which, however, frankly did not relate themselves at all to labeling.

I might say that up to that time we had been labeling according to the basic acetate and rayon, silk and linen rules. There were certain elements of those rules which made it extremely difficult and were unwarranted as far as the end result and the consumer were concerned, and that is why I pointed out there were certain modifications in our rules.

I might also add one very quick point, too, and that is that in our industry, if a garment is made of cotton, all cotton, it is so labeled—cotton. If it is made of nylon, it is so labeled—nylon. If it is made of cotton and nylon, it is labeled cotton and nylon. Yet we are not required to so label under our trade-practice rules.

Senator POTTER. Is Mr. Warren a member of your group?

Mr. CONOVER. Yes, sir; he is general counsel and president of my association.

Senator POTTER. I had the experience of coming back from Europe on the same boat with him, and I met him at that time.

Mr. CONOVER. That would be Mr. L. T. Warren, I am sure. A very fine man. That concludes my statement, unless you have some questioning.

Senator POTTER. Thank you, Mr. Conover.

Mr. CONOVER. Thank you.

Senator POTTER. Mr. Deneau?

**STATEMENT OF RICHARD DENEAU, ACCOMPANIED BY ELY KUSHEL,
ON BEHALF OF THE TEXTILE DISTRIBUTORS INSTITUTE, INC.**

Mr. DENEAU. Mr. Chairman, this may look imposing, but it isn't. It really will not take a long time.

Senator POTTER. Will you identify your associate?

Mr. KUSHEL. May I have the privilege of sitting with him? I am Ely Kushel.

Senator POTTER. You have a lengthy statement. We would be happy to make your statement in full a part of the record, and you can highlight it, if you so desire.

Mr. DENEAU. I put a great deal of time in this and a certain amount of research. I would like the privilege of reading it. I will be quick.

Senator POTTER. Very well.

Mr. DENEAU. I am grateful for this opportunity to express the views of the institute which I represent on the bill now being considered by your committee.

My name is Richard Deneau. I am appearing on behalf of the Textile Distributors Institute, Inc., whose offices are at 469 Seventh Avenue, New York, N. Y. This is a trade association, which represents firms engaged in the business of converting and distributing textile fabrics made primarily of manmade fibers. The members of our institute do an annual volume of business in excess of \$800 million. Our products go into a myriad of end uses, covering every conceivable type of wearing apparel as well as many industrial end uses.

My own position in this industry is that I am the president of Richelieu Fabrics, Inc. My firm has been in existence for 9 years and presently does an annual volume of approximately \$1 million. I might be fairly classified as one of the smaller firms in our industry.

It is the firm and honest conviction of our institute, after careful analysis of this proposed legislation, that H. R. 469 is contrary to the best interests of the American consumer and will utterly fail to accomplish its underlying objective. To the contrary, as I will more fully explain, we feel that this type of legislation can only result in confusion and deception of the public. We are therefore vehemently and unalterably opposed to the enactment of H. R. 469.

By way of preface, permit me to explain the function and position of our industry. We purchase unfinished greige goods from mills in accordance with our specifications. These specifications include fiber content, yarn size, weight, width, and construction (which means the number of yarns in the warp and the number of yarns in the filling to the square inch) all with the idea of the end use purpose of the specific fabric. These purchases are made on a long-range basis well in advance of the time at which they will find themselves in the consumer-product. Our industry assumes the risk and responsibility of anticipating fashion, style trends, and end use acceptability. We can assure you, gentlemen, that these risks are real and substantial.

At the outset, I must comment upon the objectives of this legislation as set forth in the report of the House committee which approved H. R. 469. Without any thought of bias because of my interest in the manmade fiber field, I was personally shocked at the expressed intent which, at page 2, reads in part:

To help the American farmer whose fiber product must compete with deceptively labeled and advertised synthetics which are lower priced and often of inferior quality compared with the natural fiber product.

This statement is certainly unjust and far from the actual truth. It stigmatizes an accepted and respected large segment of the textile industry whose products have proven their value to the consumer.

The ultimate objective of this bill is to protect the consumer against inferior textile products and to prevent deception. I assume this applies to inferior textile products of any fiber, whether cotton, wool, silk, or manmade. I submit, gentlemen, the type of detailed labeling set forth in this bill will not even approach the realization of this objective. Fiber labeling is irrelevant categorically to the performance of a fabric in its desired end use. The fiber content will not increase the quality of a fabric, nor will it alter the needs concerning the launderability or wearability or cleanability or the abrasion resistance or the serviceability of a fabric or the color fastness or the shrinkage of a fabric. The quality and performance of a finished textile product depends only partly on the fiber content. More important are yarn and fabric construction and other details of the dyeing and finishing process. Here, if you will permit me, I would like to offer an exhibit. Here are some fabrics, this one, 24401, is 17 percent silk and 83 percent cotton. That fabric passes all of the standards set down by our trade practice rules. Yet that fabric was rejected by our group, by our people, by themselves, because it just does not have the required tensile strength. But it passes all the tests of the rules.

I have here another fabric which is 46 percent acetate and 54 percent crystal. Crystal hasn't been mentioned as another fiber here today. This fabric actually also is in that category.

Senator POTTER. What is crystal?

Mr. DENEAU. It is an acetate component. I am not a technical man. It would take all day to try to explain it; I couldn't do it.

More important are yarn and fabric construction and other details of the dyeing and finishing process, as I said before.

Each of these factors are equally important and their relationships are very complex. However, the only means of providing adequate information to the consumer and the retailer is the end use performance standards regardless of construction and exact fiber content,

While we are at that subject right now, may I offer for the record the end use standards themselves which we have promulgated in our industry?

Senator POTTER. Without objection your standards will be introduced in the record as an exhibit.

Mr. DENEAU. These, I believe, are approved by the American Standards Association. As a matter of fact they are in excess of the requirements of that association.

In elaborating on this point and the significance of fiber labeling, I wish to make clear at the outset that I do not concern myself with the issue as to whether synthetics simulate cotton. This argument is completely spurious and actually betrays a degree of conceit on the part of the cotton industry. I am concerned only with the intrinsic value of synthetic fabrics and the effect of fiber labeling on our industry.

The virtues and qualities of cotton, which are many, need no elaboration. But, similarly, no apology is required for manmade fibers. In many end uses their outstanding properties, if properly used, will give the consumer even better products than the natural fibers.

We in the synthetic field are constantly striving to develop, by the most scientific methods, the finest quality fabrics for all end uses. Let us examine the effect of fabric labeling on synthetic fabrics so far as the consumer is concerned. Because of the inherent qualities of various synthetic fibers, it is possible to blend fibers for the purpose of obtaining the best qualities of each of the fibers. Actually, the addition of small amounts of synthetic fibers often heightens the latent quality of other fibers. Let me give you an example. Abrasion resistance is a characteristic that many women look for in purchasing garments for children. A rayon-and-acetate fabric in the construction of a sheen gabardine, for instance, for this purpose will not have the desired abrasion resistance quality. However, because a sheen gabardine is a warp-faced fabric, meaning the yarns running lengthwise in the fabric are on the surface of the fabric, the addition of as little as 15 percent nylon in the warp will increase the abrasion resistance of the fabric by 100 percent; yet, on a percentage basis, the nylon is only 6 percent of the entire fabric. Conversely, the addition of 25 percent nylon in the filling of this fabric would have no effect on the abrasion resistance of this cloth and would actually result in an inferior fabric for the particular end use.

To that extent I would like to offer for your consideration these tests which have been conducted. You have a 85-percent rayon and 15-percent nylon in the warp, and the filling is 100-percent rayon. This cloth was conducted with 6 percent nylon content overall.

If you will look at these various tests that have been made you will see that they abraid after a number of cycles.

Here is the same fabric except with 15-percent nylon in the filling as well. There is no reason for that additional nylon because it doesn't do anything to the cloth for that particular purpose. Nevertheless, the first one is only 6-percent nylon, and this one is 15 percent.

Senator POTTER. In other words, you get the same qualities with the 6 percent in this case as you do 15?

Mr. DENEAU. Or 25 in the filling, that's right.

If this would help the committee, Mr. Chairman, I would be very happy to include this in the file.

Senator POTTER. I think you have it explained in the record, so it won't be necessary.

Mr. DENEAU. All right, sir.

This would increase the cost of the fabric considerably. That relates back to the 25 percent in the filling where it has no reason to be.

However, with the type of labeling required under this legislation, the one label would show merely 6-percent nylon and the other 15-percent nylon. To the extent that producers of nylon can, with justification, create the impression in the consumer's mind that nylon is a desirable fiber, the consumer might thereby be inclined to purchase the article containing the greater percentage of nylon, even at a higher cost. However, the intrinsic quality and value to the consumer would be less than in the case of the fabric containing only 6 percent nylon. The mere enumeration on a label of a number of the fiber components and their respective percentages will not convey intelligent information to the consumer. I might point out that it is not unusual that there may be even four or more different fiber components in a fabric.

I submit that in the first place it is utterly impossible that the consumer could understand what effect the particular proportion of the different fibers might have so far as concerns the usability of the fabric. Furthermore, as I have already emphasized, the fiber content alone does not convey the critical information which the consumer needs.

I hope that I have demonstrated that reliance upon fiber identification alone will create an open sesame for confusion and deception of the public. Furthermore, it may open up the possibility that less scrupulous firms relying upon the fiber identification as the selling factor may use this as a means of unfair competition. By applying an inferior finish, one firm may be able to promote the sale of a fabric of identical fiber content over that of another firm which applies a more expensive finish and yet the fiber identification will be the same. I can cite one of many examples of this type of practice. I have here a sample of a rayon Dynel synthetic fabric which contains 30-percent Dynel in the filling only. The converters who are presently using this fabric are using a dyeing and finishing process which is applied under closely controlled standards and produces an end product of excellent grade. If this dyeing and finishing standard were to be deviated from, even to a minor degree, the end product would be substantially inferior.

Another factor to be considered, which is probably more relevant in the case of natural fiber products than synthetic, is the grade of the fiber used in making the yarn and the final textile product. Cotton and wool fibers do not have the uniformity in grade that can be controlled in the manufacture of a synthetic yarn. Consequently, cotton and wool are graded from poor to excellent qualities. Thus, a 100-percent cotton fabric made of an inferior grade of cotton fiber will nevertheless bear the same labeling information to the consumer as one made of a top-grade fiber.

In order to demonstrate that fiber identification by percentage is feasible, the proponents of H. R. 469 cite the successful experience with the Wool Products Labeling Act. This analogy is invalid and betrays a superficial examination of the problem.

Because of the unique properties of wool fibers, the quality, characteristics, and performance of the final fabric are controlled primarily by the properties of the fibers themselves and the method of their spinning and construction. The finishing of a wool fabric is substantially a mechanical process which is essentially concerned with its physical appearance and has practically no effect in imparting any new or added properties to the fabric over those possessed by the fibers themselves.

Consequently, except for the question of the grade of fiber used, disclosure of the percentage of the wool fiber contained in a fabric would be meaningful to the consumer. However, in the case of cotton and synthetic fibers, the properties of the fibers themselves are of only minor significance and the characteristics and performance of the final fabric are primarily controlled by other factors in the course of manufacture, including the method of processing and finishing. Depending upon the type of finish applied to synthetic fabrics, fabrics of entirely different properties can be produced, although the fiber content may be identical.

An analogy has also been made to the experience under the Wool Products Labeling Act to show that our apprehension about the additional cost of labeling is without foundation. Again the analogy is erroneous. The physical burden of labeling actually falls upon the garment manufacturer who must affix the label to the garment. In the case of manufacturers engaged in the manufacture of wool products, they normally deal almost exclusively with wool fabrics alone and usually with wool fabrics of the same fiber content. Consequently, the same label information may be used on all their garments.

It is quite a different picture for the manufacturer who uses cotton or synthetic fabrics, such as the dress manufacturer, in this case, a great variety of fabrics are used with all the permutations and combinations of blends. These various fabrics will be combined in a single cutting of different styles of dresses. In many cases, various sections of the same garment will be made of different fabrics. The mass of different labels required for this common type of operation, and the controls which will have to be employed to assure that they are properly affixed to the garments, will be a staggering problem both economically as well as one of strict mechanical operation.

In their zeal to find some tenuous assistance for the cotton farmer, the proponents of this legislation have been prone to exaggerations. They cite as a classic illustration, the case of the consumer purchasing a garment made of fabric containing a mixture of cotton and rayon under the mistaken belief that it is all cotton. In the first place, if this garment was not labeled to show its cotton and rayon content in the order of their predominance by weight, it constituted a violation of existing trade-practice rules and the Federal Trade Commission had the authority to take action under its organic Federal Trade Commission Act as a deceptive practice.

Labeling requirements for all fabrics containing manmade fibers have been in effect for a number of years and have been conscientiously observed. A distinction must be made between these labeling requirements and those proposed under H. R. 469. Whereas the existing rules require disclosure in the order of predominance by weight, H. R. 469 would require disclosure of percentages. The underlying

philosophy of the existing rules is sound and meaningful. It seeks to create acceptance for the fabric as such, whereas H. R. 469 will divert the consumer to a dissection of the fiber components which even to the textile technician is of itself meaningless and misleading.

Secondly, there is no opprobrium to mixtures of cotton and rayon where labeled under existing requirements. If a less costly fabric is thereby produced, it serves the need of a considerable segment of our public to whom the economy and equivalent quality are essential.

I have understood the interest of certain segments of the cotton industry in supporting this legislation, although I believe that they are being shortsighted in envisaging the benefits which they expect to reap. Similarly, I can understand that synthetic-fiber producers who advertise their products under special trademarks will also support this legislation because fiber identification will give their products free publicity, and by the same token imposes no financial burden upon them.

Before closing my presentation to this committee, I wish to emphasize that the industry which I represent, as well as other segments of the textile industry, have been concerned about labeling information to the consumer which would be informative and meaningful.

This problem has been under consideration for many years and was undertaken by the Textile Distributors Institute, Inc., under their own initiative, independent of any consideration by Congress of labeling legislation. We uniformly rejected the idea of fiber identification alone at the earliest stage of our consideration. Instead, we have attempted to evolve end-use standards which would give to the consumer clear and direct information concerning the performance of the fabric in various categories which have been enumerated above. I wish to submit to this committee a copy of our Proposed Voluntary End-Use Serviceability Standards, as issued in 1956. These standards have been submitted to the American Standards Association for consideration and inclusion in their current revision of L-22, American Standard Minimum Requirements for Rayon and Acetate Fabrics.

An examination of these standards will readily indicate the extent of the painstaking research and analysis which were involved. It should be readily apparent that we are not opposing this legislation merely out of whim or retaliation against administrative control.

The end-use standards known as L-22, which were developed are far more detailed and exacting than the requirements of H. R. 469. Our only interest is to create standards whereby information will be given to the consumer which will be both meaningful and useful on quality and performance of textile fabrics.

Gentlemen, the matter before you for consideration is one of vital impact upon textile and allied industries and will not benefit the consumer. I have read most carefully the record before the House committee and submit that the proponents have utterly failed to justify either the need or the usefulness of this type of legislation. Their argument is based upon assumptions, hypothesis, and exaggeration. This is a matter which must be judged upon real facts.

I urge upon this committee that no action be taken on this legislation until a thorough investigation has been made by a fact-finding group, both as to the incidents of consumer deception and the types

of labeling which are necessary to give informative information to the public.

May we again repeat that the disclosure of fiber content will result in additional expense in record keeping, printing of labels and their attachment to garments. These costs will inevitably have to be passed on to the consumer, thereby resulting in higher prices and yet without giving them the benefit of any meaningful information concerning the serviceability of a textile fabric.

I have here a fabric which has 30 percent Dynel in the filling and is closely regulated so far as the type of finish that is put on it. In this fabric, because of the fact it is scrupulously observed, so far as the quality of the finish or kind of dyestuffs used, this fabric will perform magnificently.

It will wash, it will be crease resistant. If a crease is put in it by an iron it will stay through 2 or 3 washes. If it is pleated for a girl's dress or a child's dress those pleats will stay relatively clear through 3 or 4 washings.

We make no claims that it is wash and wear or anything else, but the label states that—the hang tag we give to the garment manufacturer—that this garment will do exactly what we say, and we are prepared to buy the garments back if they don't, just to give you an idea of how we police ourselves.

On the other hand, and this is the point of this particular demonstration, if the finishes were not closely controlled and the standards weren't high, we would be able to produce an end product of inferior grade in contrast to the way we are presently doing it.

Any variation, even to a minor degree, would be bound to affect the performance of this textile fabric.

Senator POTTER. I thank you for your statement.

Mr. KUSHEL. May I comment on the statement made this morning?

Senator POTTER. Yes.

Mr. KUSHEL. Analogy has been made under the Wool Products Labeling Act that there is reason for the fact that fiber and fabrics can be labeled with percentages and it creates no confusion to the consumer and no burden to the manufacturer in terms of cost.

That analogy is not valid. I am a lawyer. I have been associated with the textile industry and I verified my facts with a leading technical expert just the other day.

In the case of wool you have a fiber which naturally of its own construction and its own inherent qualities has certain qualities which will carry over to the finished product. It is a distinct fiber in that sense. Whereas in the case of synthetics, in the case of cottons, it is the finishing process which can change the characteristics of the fiber entirely. So that if you adulterate wool you have an adulterated product. Whereas if you mix fibers in synthetics and cottons you can control the quality and the nature of its performance by the finishing processes which is performed before the final fabric is released. I think that point should be clearly understood so far as the experience under wool is concerned.

Another factor is the question of cost. Historically the garment manufacturer uses wool and normally uses one grade of wool or a mixture with something else. But that is all he produces usually.

In the case of synthetics—and I am speaking of the dress manufacturer who will deal in synthetic fabrics—he is dealing with a permu-

tation and combination of blends of different fabrics which are almost limitless. The way they are cut, they are put on a long table 100 or 150 feet long and cut in stacks of fabrics 15 or maybe 30 layers high.

There will be a combination of different patterns and different types of fabrics, some with different fiber components. It would be an impossible job in the process of manufacture, in the cutting up of these and distributing through the sewing workers, to control the type of label which will go on a particular fabric. They may vary by 5 percentage points.

There may be a nylon-cotton combination of 80 nylon and 20 cotton, to cite an example, or some may be 75 and 25.

At the present time, under existing trade-practice rules these are all required to be labeled. But one label will suffice for all; namely, in the order of predominance by weight, nylon and cotton. If you are required to identify them by percentages, you are going to have to trace all these cut pieces of goods through a factory and see that that is controlled.

Also the question about the type of labeling giving a little more information to the consumer than what they have today, I think that that is a fallacy as well, because the end result of this is that you are going to find competition on the fiber level rather than on the finished-fabric level.

The illustration that Mr. Deneau pointed out of 30-percent dynel, the consumer will look for more dynel or more of a particular fiber, but actually it is the finish that makes it a better fabric.

The nurse uniform case, I think, well illustrates that point. You may have cotton-rayon, but somebody who knows 50-50 is a good combination and will be sold will put an inferior finish on at a high price and that will sell at a higher price than a more expensive finished fabric of 50-50 combination. It is the quality, actually. It is the particular manufacturer's name for a particular fabric that has to be accepted. It is the fabric and not the ingredient fibers that have to be considered.

That concludes my remarks. Thank you very much for your patience.

Mr. DENEAU. I would like to include the National Institute of Dry Cleaning tests made on one particular blend mentioned this afternoon.

The 65 percent dacron and 35 percent cotton is an accepted blend of dacron and cotton. We have found and we agree that that is an optimum blend and it is a good blend and it does the desired trick.

However, here is submitted by the National Institute of Dry Cleaning a 65-35 dacron and cotton fabric. But here is what happens after one laundering. I would like to submit this for the record. It isn't the fiber content that is important to the consumer; it is the kind of dyestuffs that are used; it is the kind of finish that is applied. And that is not stated on the label. But it should be.

Senator POTTER. We will accept that.

Mr. DENEAU. This is a good demonstration. This is a housecoat, nylon—100-percent nylon. The tag said "100 percent nylon." It was washed twice. This is the result of two washings. You can see the fading even from this distance. The dyestuffs have been completely fugitive. They have left the garment completely. This is the result of faulty finish. It has nothing to do with labeling.

Mr. BAYNTON. Is there any label in that?

Mr. DENEAU. Not now. There would have been at the outset. At the outset it said "100 percent nylon." It slips at the seams through faulty construction.

Senator POTTER. I wish to thank you for your testimony.

Mr. KUSHEL. I want to thank you for your patience.

Senator POTTER. Mr. Freedman.

**STATEMENT OF EPHRIAM FREEDMAN, DIRECTOR OF MACY'S
BUREAU OF STANDARDS, R. H. MACY & CO., INC.**

Mr. FREEDMAN. I will take only 10 minutes of your time.

Senator POTTER. You have a statement?

Mr. FREEDMAN. I should like to read it, sir, because I would like to illustrate a few points if I may.

Senator POTTER. Very well.

Mr. FREEDMAN. My name is Ephriam Freedman. I am director of Macy's Bureau of Standards, R. H. Macy & Co., Inc., and have served in that capacity for the past 31 years. I am here today on behalf of the American Retail Federation and the National Retail Merchants Association, as well as on behalf of the Retail Dry Goods Association, an association of New York City department stores in existence since 1895.

I come to speak for fiber identification, but against fiber promotion; for fair play, but against special privilege; for informative labeling, but against stigmatized, un-American propaganda hiding beneath the mask of dignity of American legislation.

Of such ingredients is H. R. 469 concocted, received by an unholy alliance of those interests who are unwilling to stand on their own two feet and slug it out, in fair play; the problem is that of competition—honest competition—one of the most precious influences in the development of our great Nation.

Perhaps, however, we have reached our zenith. Perhaps we are becoming decadent, and require crutches to sustain us—crutches like H. R. 469.

I speak, gentlemen, from the heart. I was a disciple of Harvey W. Wiley, that great benefactor of mankind who was the father of the Pure Food and Drugs Act enacted in 1906. I fought for the enactment of the Copeland Act, commonly known as the Food, Drug, and Cosmetic Act. I fought for the enactment of the Flammability Act, as well as for the various fiber identification trade-practice rules.

And, speaking on behalf of the organizations which I am happy to represent, I am pleased to advocate informative labeling of textile products. I submit, however, that, just as the food or the drug or the woolen product or the fur product must—by Federal laws—be labeled by the person responsible for its introduction or manufacture for introduction into interstate commerce, so should the Textile Fiber Products Identification Act make it mandatory that all—and I reiterate all—textile-fiber products be labeled by the person responsible for the introduction or manufacture for introduction of such textile-fiber products.

Instead, H. R. 469, section 3 (d) (5), exempts textile-fiber products, and I quote—

until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer.

Gentlemen, in the days of NRA, many subterfuges were employed to avoid compliance with its provisions. Section 3 (d) (5) provides adequate means for anyone, other than the retailer, to refrain from labeling his textile-fiber product.

For example, a man's suit of clothes comes with trouser length unfinished; the same holds true for some women's clothes such as coats and dresses. What is to prevent manufacturers from leaving a few buttons off a garment so as to keep it in a form not intended for sale or delivery to, or for use by, the ultimate consumer until the buttons have been sewed on? Others will think of many other ways of avoiding the provisions of section 3 (d) (5).

Also, gentlemen, I invite your attention to H. H. 469 section 4 (e) which exempts from labeling any textile-fiber product or products provided such product or products are contained in a package, which package is labeled in compliance with the act.

Gentlemen, I again submit that this provision, like section 3 (d) (5), opens the door to wide-scale evasion of the law.

Manufacturers of stockings will find it more economical to package them 3 or 6 in a box or envelope. We have had it said by Congressman Smith today that his secretary went around town and could not find any socks or stockings that were not labeled. I am told—I was not here yesterday afternoon—that some comment was directed against my fine associate, Professor Labarthe, when he made comment about that. This morning I walked into G. C. Murphy's and there I picked up a package of 3 pairs of socks, the outer wrapper of which reads, "Cotton cushion foot socks," and each pair of socks carries a label, or rather a price ticket, giving the price at 39 cents, 3 for \$1.15. They could be purchased single or wrapped, but no single pair of these socks carries fiber identification.

I should like to submit this.

Senator POTTER. We will receive it.

Mr. FREEDMAN. Shirt manufacturers and others can do the same thing. When you go to the store for but 1 pair of socks, or 1 shirt, the retailer will be forced to refuse to sell it to you, or he will be forced by section 5 (c) of the act to label the article he sells you and every other article contained in that package. Retailers, gentlemen, are not equipped to print labels. They don't have the staff, the time, or the money to take on this additional burden.

Let's face it. Because of both of these buck-passing provisions of H. R. 469, that is, section 3 (d) (5) and section 4 (e), section 5 (c) is going to be violated on so broad a scale by folks all over the country as to create disrespect for law and order on a scale almost as large as that created by prohibition.

And, gentlemen, those of you who are interested in the small-retail-business man: Ask him, if you will, what this is going to mean to his business. If he can see far enough ahead, he'll say it's going to put him out of business because he just can't afford to print labels each time he buys a few shirts, or shorts, or socks, or what-have-you.

With regard to the advertising provision of H. R. 469 insofar as they relate to a disclosure of fiber identification, section 4 (c) requires that with respect to fiber content the same information appearing on the label shall appear in any written advertisement disclosing or implying fiber content. Newspaper space is quite expensive; and the retailer would be forced to increase his cost of doing business considerably if he were required by law to comply with section 4 (c). It would seem to be more desirable to provide that disclosure of percentage composition in advertisements be made permissive and that all advertisements include the statement "all merchandise labeled as to textile fiber content."

Gentlemen, I submit if that is not done, then advertisements will read like this advertisement taken out of yesterday's Washington Post and Times Herald, which is purely a price advertisement. There, in many instances, composition is given, but the advertisement is so written as to take up a lot of valuable space which should be used to advertise the worth of the merchandise.

When I talk about worth, generally, I mean in this case performance, durability, what it will do, how to take care of it.

As a consumer, I do not understand why advertising via radio and television is not included in section 4 (c). Surely these advertising media at times also disseminate inaccurate information and also fail to supply adequate information regarding consumer goods.

Section 4 (b) (4) makes it mandatory that the name of the country of origin be stated on the label of an imported textile fiber product either used in its original state or contained in other textile products.

The proponents of section 4 (b) (4) evidently recognize that the Tariff Act requires all imported products to be labeled with the country of origin but insist that this legislation is not sufficient. They apparently want to eat their cake and still have it. They want to be able to continue to send American-grown cotton and other American textile products to foreign countries, but want to curtail the reentry into these United States of any textile products made of the American cotton in these foreign countries. That is why they included the language, and I quote, "or contained in other textile fiber products," in section 4 (b) (4).

If what the proponents of 4 (b) (4) ask for is right in principle, then let us extend it to all commodities and see what happens.

England imports cashmere grown in several oriental countries and makes sweaters to ship to the United States. Who in the United States is going to know what countries the cashmere came from? Suppose we extend this proposal to a product which is intimately connected with hamburgers, seafood cocktails, and innumerable other everyday foods. I refer to ketchup, which contains anywhere from 15 to 20 ingredients, including cayenne pepper from French Guiana, white or black pepper from India, onions, possibly from Bermuda, and garlic, perhaps from Mexico or Spain or Italy.

Under the present Food, Drug, and Cosmetic Act, all that is required—and this is a bottle of Heinz ketchup, made from red ripe tomatoes, sugar, distilled vinegar and spice, which cover a number—how many I don't know—of spices, garlic and so forth.

I am merely trying to show that, under the guise of informative labeling, certain forces are trying to obtain special protective privileges militating against the importation of textile products.

And that appeared to be brought out this morning when this prior marriage of the Cotton Council and the manufacturer, somehow or other this backfired because I was in a number of these sessions, and the main point was to get across the idea of the disclosure of the country of origin where the goods were being finished, processed or so on, because they felt the Tariff Act didn't go far enough. So, as a coverall, they went in for fiber identification, and now this whole thing seems to have backfired as was shown by testimony given today.

If we are to have fiber identification, let's have it. But don't enact such legislation merely as a coverup for those who seek to diminish our imports. An examination of the records over the past quarter of a century will show that the proponents of H. R. 469 have consistently opposed fiber identification. Suddenly they come to life with H. R. 469; yet, I am convinced that should the provisions regarding imports be removed, they will again become uninterested in, if not actually opposed to, fiber identification.

Gentlemen, retail merchants worthy of the name "merchant" are buying agents for their communities. They want to give their customers as much information as the consumers desire. They are not as a body opposed to informative labeling, but they realize that, if they will have to shoulder the responsibility for labeling—as they will have to do, if H. R. 469 or its counterpart, S. 1616, is enacted into law; if they will have to keep detailed records as set forth in section 6 (b); if they will have to give composition, and percentages of fiber content, in their advertising; they the retailers will be truly overburdened with unnecessary chores—so much so, that it might well put many a small retailer out of business.

In summation, then, I go on record on behalf of the associations which I represent as being in favor of a textile fiber products identification act, providing the provisions to which I have taken exception are deleted or amended.

I should like to add two points here which in the interest of fair play should be brought out.

This morning a representative of the Retail Furniture Manufacturers, a representative of the Wholesale Furniture Manufacturers, brought up the matter of upholstery. There are scattered in hamlets and villages all over the United States many small upholsterers who will take chairs from their community and they will reupholster them, with new filling material, tie the springs, put on new fabric for them. Those men do not know the composition of those fabrics, and they should be taken care of. They should not be made criminals in the eyes of the law.

Gentlemen, it may interest you to know that I happen to be—and have been for the past 2 years—chairman of the consumer goods standards committee of the American Standards Association. We have been working on performance standards, and I am all for performance standards. I agree with some of the speakers today that fiber identification, per se, does not always tell one whether a garment or textile part will wear well or not.

For example, I am wearing a Dacron and cotton shirt, the counterpart of which, together with 1 other shirt, were the only shirts I wore during 30 days in 1956, traveling through 10 countries in Europe. And they required no ironing when I wore them. They

did not look quite as nice as this one. But they required no ironing, and not much insofar as the washing end was concerned.

But—and this is 65 Dacron and 35 cotton—but some smart manufacturers came out with some fabrics in which they used 65 percent Dacron and 35 percent cotton, but they had the Dacron in one direction and cotton in the other, and the garments wrinkled very, very badly. So, I agree with those who say that fiber identification is not everything. But it goes a long way.

I am wearing a suit, the label of which will prove that it was made in 1953—December 18, 1953. It is made of Dynel and wool. This suit, if it is subjected to a hot iron, will shrink to a boy's size. So, each time it goes to the tailor I tell him not to use too hot an iron on it because it has dynel in it.

The fabric that you were shown before, of Dynel and cotton, if a hot iron were used on that fabric, that, too, would melt.

If consumers get to know that Dynel has to be handled carefully and if they see Dynel on the label, then a disclosure of fiber identification has value. So, there is a lot to be said on both sides of the fence. I would suggest that before any legislation is enacted, that it be studied very carefully.

Some statements have been made that have been greatly exaggerated. Some statements are not quite factual. And these things are important to read. I happen to be chairman of the advisory board, bedding division, of the New York State Department of Labor, and we have had this problem to deal with insofar as filling materials are concerned. We have made certain provisions in our law and augmented them with rules which take care of a lot of these synthetic fibers. We say that the man has the privilege saying synthetic fiber or stating the actual name of the fiber.

Senator POTTER. Mr. Freedman, I appreciate your statement here, particularly in view of the high reputation that you hold in the industry, and I assure you that the committee will study the testimony that has been given. The committee will weigh the exaggerations that have been made.

Mr. FREEDMAN. If at any time you feel that I can be of any service, I shall be pleased to make myself available to you. My interest in this matter transcends that of any segment of the industry, because I have been a consumer advocate since I came out of school in 1911.

Senator POTTER. We certainly appreciate that.

Mr. BAYNTON. May we add to the record at this point the agency statements and the other matters that are to go into the record?

Senator POTTER. We will keep the record open until March 12.

SUPPLEMENTARY STATEMENT OF SENATOR LISTER HILL BEFORE THE SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE IN SUPPORT OF THE TEXTILE FIBER PRODUCTS IDENTIFICATION BILL

I appreciate the opportunity to comment on the testimony which has been presented to this committee on the textile labeling bill.

As one of the sponsors of S. 1616, I have studied the testimony very carefully. I shall confine my remarks to the arguments which have been advanced in opposition to the bill.

The two main points which opponents of the measure seem to be trying to make are (1) that the legislation would not help the consumer of textile products and (2) that the legislation would impose a heavy burden on the textile industry.

With respect to the first of these points, the argument is made that the fiber content of a textile fabric or garment is not very important and does not provide the consumer with very much helpful information. Fabric construction, finish, and dyes are said to be more important than fiber content.

Is it reasonable to say that the consumer will be better off with no information than with some very positive facts on the material she buys?

Most women are not textile experts, but certain fibers do mean certain things to them. In general, they will send wool products to the dry cleaner and keep them away from moths. They recognize that silk and wool should not be cleaned in the washing machine. They know that some fibers, like acetate, will melt when ironed with a hot iron, and that cotton will not. As a matter of fact, when they know a fabric is cotton, they are confident that it can be laundered, that it will not be attacked by moths, that it will have a certain durability, and that generally it will not shrink and stretch out of shape.

Do consumers want this information? I think any member of this committee can get his answer simply by consulting his wife.

It is interesting to note that textile manufacturers themselves make a big point of advertising fiber content, by actual percentage, whenever they think it is important. The Du Pont Co., for example, has declared that the 65-percent Dacron-35 percent cotton blend represents the proportions which yield optimum performance. Evidently many manufacturers must agree that this percentage content is meaningful, because they make and promote exactly the same blend.

Some of the opponents of fiber labeling have stated that fiber content has little to do with the ultimate wear life of the article. To argue that fiber content has little to do with the performance of a textile product is, in my judgment, absolutely wrong. Fiber content is by far the biggest single influence on serviceability. The very fact that there are so many different fibers on the market today and that so many advertisements allude to the properties and qualities of particular fibers, repudiates the contention that fiber content is of minor importance to a textile's performance.

My conclusion is, therefore, that information on the fiber content of textile products will certainly not mislead the consumer, but will be tremendously helpful.

With regard to the second point raised by opponents of textile-labeling legislation, the alleged cost of this legislation to the industry. I see some inconsistency in the argument on the one hand that this will be an expense to the industry, and on the other hand that it will be passed on to the consumer. I do not see how it can work both ways.

On the nature of this expense, however, certain facts are most important. The bill does not require textile mills to label any product not in the form ready to be used by the consumer. This category of unfinished products represents the bulk of textile production. Under the provisions of the textile labeling bill, all the textile mill must do with respect to products for use by anyone other than the ultimate consumer is to disclose the fiber content on his invoice or other shipping paper.

A statement was made to this committee that special records would be needed in order to comply with the provisions of this legislation. While all companies' bookkeeping procedures differ, certainly it is common practice in all concerns to keep adequate records of everything that the mill manufactures, and I wish to emphasize that only two additional items of information would be needed for a company to comply with the provisions of our bill. One requirement is to disclose on invoices or shipping papers the fiber content of textiles shipped to others for fabrication into consumer products. The other requirement is to identify those products which a company would sell in a form ready to be used by the consumer. With sheets, pillowcases, and similar products, automatic stamping or sticker-applying equipment, even in handcut items, would suffice.

With respect to the charge that mills will be harassed for slight deviations in fiber content, I wish to point out that the bill contains a double protection against penalties for such deviations. First, the Federal Trade Commission is directed to provide reasonable tolerances, and secondly, even then a manufacturer cannot be penalized if he shows that still wider deviations were unavoidable.

With respect to the expense which garment manufacturers might incur, it is well to note that practically every garment sold in this country contains some kind of label, tag, or identification. All our bill would require is that such label, tag, or identification include the information on fiber content, or that a separate tag or label be used if the garment manufacturer so desires. Certainly there will be some cost involved in redesigning labels to meet the requirements of this bill.

After this is done, however, the cost to the manufacturers of complying with this measure will be negligible.

Whenever a highly promotable fiber is used in a garment, its presence is noted, often by percentage, on the tag which the garment carries. I think it would be very difficult to find on the market today a garment containing Dacron which did not show this on a tag or label.

Whenever either a textile manufacturer or a garment manufacturer wants to advertise his product, he is certain to see that the product itself carries his name. It is difficult to understand why this practice of labeling is followed in so many cases, and yet can be called a burden in other cases. If this requirement involves a new operation for some manufacturers, the 18 months' provision in which they can adjust those operations before the act becomes effective would certainly seem to afford adequate protection.

In this connection I want to emphasize that in the drafting of our bill, we had the advice and counsel of many different groups and we made every effort to keep inconvenience and cost at the very minimum. At the same time, we recognized that our objective of protecting producers and consumers against misleading and false advertising of the fiber content of textile fiber products must not be sacrificed.

Briefly, I would like to address myself to three other arguments that have been raised in opposition to the bill.

One is raised by the question, where is the consumer demand for this legislation? The American Farm Bureau Federation, which represents over 1½ million farm families, endorses and supports this legislation. Certainly here we have a representation of consumer opinion. Furthermore, the National Retail Merchants Association has endorsed the principle of fiber labeling. The representatives of these organizations testified before this committee and the House Interstate and Foreign Commerce Committee in support of the desirability of adequate disclosure of fiber percentages. Certainly, such support for fiber labeling would not come from these groups unless they were satisfied that there was sufficient consumer interest in the subject to warrant their support.

Another matter to which I would like to direct the committee's attention is the allegation that the Federal Trade Commission has adequate authority under the Federal Trade Commission Act and the various trade practice conference rules to prevent any false advertising and misbranding of textile products. If this were true, it seems to me that the Commission would be opposing this legislation on the ground that it is unnecessary.

The fact is that the Commission does not have adequate authority to prevent abuses in advertising and labeling. The so-called trade practice rules are merely informal interpretations of the Trade Commission Act. As such, they do not have the force of law. Furthermore, that act does not give the Commission the authority to prevent misrepresentation at the retail level. The textile fiber products identification bill would provide such authority.

Finally, one of the witnesses before this committee commented on the Wool Labeling Act as a reason for the decline of the wool industry. Obviously the inference in this statement is that this bill would cause a decline of the cotton industry. On the contrary, with the many synthetic fibers coming on the market and competing with wool in apparel and other uses, United States consumption of this fiber might be almost nonexistent now in terms of 100 percent wool, if it were not for the Wool Products Labeling Act and the fact that a 100 percent wool article has such a fine reputation.

I have not dealt with the farmer's position in this matter to any great extent, because it was very adequately presented in testimony by Mr. Walter Randolph, president of the Alabama Farm Bureau Federation and vice president of and spokesman for the American Farm Bureau Federation, and others early in the hearings, but I want to emphasize that the cotton farmer's stake is a big one. He has held and promoted certain markets on the basis of the quality of his fiber. Suppose the housewife buys an article she believes to be cotton, such as a cotton sheet or towel, but which actually is a blend. When she finds that it does not perform as she had reason to expect, she is inclined to blame cotton. This situation hurts the farmer and imperils his market. There is every indication that this type of blending will be increased in the future.

I recognize that there will be adjustment problems, in varying degrees, for manufacturers and others as a result of the passage of the textile labeling bill. No one likes to be regulated unless necessary and I, for one, always seek to avoid unnecessary regulations and insure that the necessary regulations are en-

forced with complete fairness. But in our complex society we have found that certain regulations are needed to protect the public interests. We recognized the need for regulations with respect to labeling of wool products some years ago. We recognize it now in the case of cotton and synthetics.

I strongly recommend favorable action on H. R. 469 as a necessary regulation, and I commend it to you as a bill that has been carefully drafted to protect the interests of the farmer, the consumer, the manufacturer, and the retailer.

STATEMENT OF SENATOR JOHN STENNIS BEFORE SENATE INTERSTATE AND FOREIGN
COMMERCE COMMITTEE ON TEXTILE FIBER PRODUCTS IDENTIFICATION

As one of the sponsors of the textile fiber products identification bill that is before you, I want to take this occasion to comment on certain aspects of the testimony which has been introduced in opposition to this measure.

In large part, the opposition to this bill has been based on two claims. First, that it would not accomplish the purpose of protecting consumers against misbranding and false advertising of the fiber content of textile fiber products; and second, that it would impose serious hardships on textile and garment manufacturers.

These are serious claims and worthy of the closest scrutiny of this committee. If I believe that either of them were substantially true, I would not be in favor of the labeling bill. But, after giving these claims the very close consideration they deserve, I find that the great weight of evidence, along with plain commonsense, points in just the opposite direction.

Let's look at the question of whether fiber identification would serve a useful and valid purpose in protecting the consumer. Opponents of labeling point out that the fiber content of a textile product is by no means a complete guaranty of how it will perform. They say that other factors, such as fabric construction, grade of dyestuff, and chemical finishing also have a very important bearing on textile product performance.

I have no argument with this. It is clearly demonstrable that fiber content is not the only factor affecting the performance of textile products. But I find it wholly unbelievable that fiber content is so unimportant that the consumer need not be concerned about it.

Is fiber content important? Just ask any housewife about the problems she faces in laundering textile products made of different fibers. Ask her whether fiber content has anything to do with the appearance or durability of a given product. The answer is an emphatic "Yes." She knows, for example, that an all-cotton fabric is absorbent and comfortable next to the skin; that it will not melt under a hot iron; and that it will have a great many other characteristics traditionally associated with cotton.

And why, I wonder, will the manufacturer of a certain garment specify on his label and in his advertising that the product is made of, say, 65 percent Dacron and 35 percent cotton? He does so, of course, because he believes that this combination of fibers offers the consumer some extra quality—or qualities—that wouldn't be obtained if the product had a different fiber content.

Obviously, the importance of fiber content is not only recognized by housewives and other consumers, but by a great many manufacturers as well. Therefore, I submit that the first big claim of those who oppose the labeling bill—the claim that it would serve no useful purpose to identify the fiber content of textile products—is not borne out by the everyday experience of consumers, nor by the advertising and labeling practices of many of our leading textile garment manufacturers.

Now let's look briefly at the claim that the labeling bill, if adopted, would impose serious hardships on manufacturers.

Among other things, opponents of the bill have indicated that manufacturers would incur substantial additional costs in conforming with the labeling requirements. Actually, from the standpoint of the manufacturers of yarn and cloth, it would be an extremely rare case where a firm would have to do anything more than it now does—either in labeling or in recordkeeping. From the standpoint of garment manufacturers, it would be necessary for a number of firms to make some adjustments in their labeling procedures. It is important to remember, however, that all garments now carry labeling of some type. For the many garments which are already labeled as to fiber content, no adjustments would be required. In cases where fiber content is not already shown, an ex-

isting label could be altered to provide that information. Manufacturers would have great latitude in determining the most suitable method of meeting the labeling requirements—and they would have a year and a half in which to work out any necessary adjustments.

Another point brought out by opponents of the bill is that it often is impossible to maintain precise control over the percentages of different fibers used in a blended fabric. They say that manufacturers would be held criminally responsible for variations in blending that are beyond their control. In this connection, I want to point out that the bill fully recognizes that there will be uncontrollable variations in blends, and makes provision for setting reasonable tolerances in all such cases. No manufacturer would be penalized for blending variations that he cannot control.

According to the Federal Trade Commission, the bill is too lenient in that it has two tolerances. What the bill requires is that FTC set up reasonable tolerances in recognition that variations in manufacturing will occur. No question would be raised about variations within such tolerances. If the actual fiber content of a particular fabric is at variance from the statement on the label to a greater degree than tolerance established by FTC, the manufacturer still has protection in the bill. He cannot be held liable if he shows that the deviation, even though it exceeded the FTC standard tolerance, resulted from unavoidable variations in the manufacturing process. Certainly this seems reasonable. To me, it is pretty good evidence that the provision is about right when FTC says it is too loose and manufacturers say it is too tight.

I understand that in the development of this bill, a comprehensive effort was made to seek out the advice of textile and garment manufacturers, to take their problems into account, and to draft this measure in such a way that it would call for an absolute minimum of change in their operations.

In conclusion, I would like to reaffirm that the labeling bill is designed to serve two urgent and legitimate purposes. It is designed, first, to help the consumers get what they want and are paying for when they buy textile products. Second, it is designed to protect the fiber producers against the unfair competition which occurs when manufactureres save on costs by substituting cheaper for more expensive fibers—and, in the process, reduce product quality in such a way that it can't be readily detected by the consumer.

I urge this committee to approve the textile fiber products identification bill, and to seek its passage in the Senate.

SUPPLEMENTARY STATEMENT OF SENATOR JOHN STENNIS BEFORE SENATE INTER-STATE AND FOREIGN COMMERCE COMMITTEE ON H. R. 469, TEXTILE FIBER PRODUCTS IDENTIFICATION

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I have no argument with this. It is clearly demonstrable that fiber content is not the only factor affecting the performance of textile products. But I find it wholly unbelievable that fiber content is so unimportant that the consumer need not be concerned about it.

Is fiber content important? Just ask any housewife about the problems she faces in laundering textile products made of different fibers. Ask her whether fiber content has anything to do with the appearance or durability of a given product. The answer is an emphatic "Yes." She knows, for example, that an all-cotton fabric is absorbent and comfortable next to the skin; that it will not melt under a hot iron; and that it will have a great many other characteristics traditionally associated with cotton.

And why, I wonder, will the manufacturer of a certain garment specify on his label and in his advertising that the product is made of, say, 65 percent Dacron and 35 percent cotton? He does so, of course, because he believes that this combination of fibers offers the consumer some extra quality—or qualities—that wouldn't be obtained if the product had a different fiber content.

Obviously, the importance of fiber content is not only recognized by housewives and other consumers, but by a great many manufacturers as well. Therefore, I submit that the first big claim of those who oppose the labeling bill—the claim that it would serve no useful purpose to identify the fiber content of textile products—is not borne out by the everyday experience of consumers, nor by the advertising and labeling practices of many of our leading textile and garment manufacturers.

Now let's look briefly at the claim that the labeling bill, if adopted, would impose serious hardships on manufacturers.

Among other things, opponents of the bill have indicated that manufacturers would incur substantial additional costs in conforming with the labeling requirements. Actually, from the standpoint of the manufacturers of yarn cloth, it would be an extremely rare case where a firm would have to do anything more than it now does—either in labeling or in recordkeeping. From the standpoint of garment manufacturers, it would be necessary for a number of firms to make some adjustments in their labeling procedures. It is important to remember, however, that all garments now carry labeling of some type. For the many garments which are already labeled as to fiber content, no adjustments would be required. In cases where fiber content is not already shown, an existing label could be altered to provide that information. Manufacturers would have great latitude in determining the most suitable method of meeting the labeling requirements—and they would have a year and a half in which to work out any necessary adjustments.

Another point brought out by opponents of the bill is that it often is impossible to maintain precise control over the percentages of different fibers used in a blended fabric. They say that manufacturers would be held criminally responsible for variations in blending that are beyond their control. In this connection, I want to point out that the bill fully recognizes that there will be uncontrollable variations in blends, and makes provision for setting reasonable tolerances in all such cases. No manufacturer would be penalized for blending variations that he cannot control.

According to the Federal Trade Commission, the bill is too lenient in that it has two tolerances. What the bill requires is that FTC set up reasonable tolerances in recognition that variations in manufacturing will occur. No question would be raised about variations within such tolerances. If the actual fiber content of a particular fabric is at variance from the statement on the label to a greater degree than tolerances established by FTC, the manufacturer still has protection in the bill. He cannot be held liable if he shows that the deviation, even though it exceeded the FTC standard tolerance, resulted from unavoidable variations in the manufacturing process. Certainly this seems reasonable. To me, it is pretty good evidence that the provision is about right when FTC says it is too loose and manufacturers say it is too tight.

I understand in the development of this bill, a comprehensive effort was made to seek out the advice of textile and garment manufacturers, to take their problems into account; and to draft this measure in such a way that it would call for an absolute minimum of change in their operations.

In conclusion, I would like to reaffirm that the labeling bill is designed to serve two urgent and legitimate purposes. It is designed, first, to help the consumers get what they want and are paying for when they buy textile products. Second, it is designed to protect the fiber producers against the unfair competition which occurs when manufacturers save on costs by substituting cheaper for more expensive fibers—and, in the process, reduce product quality in such a way that it can't be readily detected by the consumer.

I urge this committee to approve the textile fiber products identification bill, and to seek its passage in the Senate.

SUPPLEMENTAL STATEMENT BY REPRESENTATIVE FRANK E. SMITH BEFORE THE
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, UNITED STATES SENATE, ON
H. R. 469 TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

There have been several statements made in opposition to the proposed textile labeling bill, and because some of them have given the appearance of plausibility, I appreciate the committee's holding open the record and thus affording me an opportunity to present a supplemental statement clarifying some of the misleading statements that have been made.

At the outset, let me point out that this legislation does not discriminate against or promote any individual fiber. Except for wool, which is already required to be labeled under existing law, the bill treats all fibers alike. It was drawn, and passed by the House of Representatives, for the specific purpose of giving consumers adequate information as to the constituent fibers in textile products so they will know what they are buying. Obviously, it will be of benefit to all fibers.

Speaking broadly, there seem to be four general objections to this legislation. They all resolve themselves down to the one basic objection—that the manufacturers do not want to be required to disclose the fiber content of their products, but individually the allegations are first, that disclosure of fiber content will be of no benefit to the consumer; second, that there is no consumer demand for this type of legislation; third, that the Federal Trade Commission, under its general authority and the various trade-practice rules, has adequate authority to protect the consumer from deception in the labeling and advertising of textiles and that passage of this act would only create confusion; and finally, that enactment of this legislation would place a great cost burden on those responsible for labeling.

The textile and garment manufacturers, who are the opponents of this measure, have argued in support of their contention that disclosure of fiber content would be of no benefit to the consumer, that what she really needs is information about product performance, and that fiber content identification, standing alone, could mislead her as to performance.

This attempt to persuade the committee that so-called performance labeling is the desirable solution is simply a delaying tactic. The suggestion was first presented to me back in 1956 when I met with representatives of these industries to discuss this legislation. We agreed then, as we agree today, that performance labeling would be ideal, but these same manufacturers admitted then, as they admit today, that there is no practical means by which mandatory performance labeling could be achieved.

The consumer is concerned with performance, of course. Performance characteristics are agreed to include, principally, durability, comfort, wash-and-wear or minimum-care characteristics, and launderability and methods of washing, drying, and ironing. Secondary performance characteristics include soil retention, odor retention, drying rate, absorbency, maintenance of lustrous appearance, drape, softness, susceptibility to seam separation, and static-charge development.

It is an established fact that it has not been possible to develop laboratory tests for these qualities that can be correlated to performance in use. How then could these performance characteristics be defined with any accuracy? The advocates of performance labeling are unable to tell us who could or would be charged with defining the levels of performance for these qualities, or who would determine the standards to be applied, or whether there would be separate standards for adequate, excellent, or superior levels of performance, or how there could be distinction between the claims of advertisers, including "legitimate puffing," to use an FTC term.

I submit to the committee that performance labeling is simply not possible, and that the witnesses who propose it know this. The so-called truth-in-advertising bill proposed before this committee by the advocates of performance labeling is probably as good an example of why performance labeling is impossible as any of the supporters of H. R. 469 could have presented. Even the most cursory review of that proposal shows that it does not require any labeling; that because of the generality of its terms and the absence of acceptable performance tests, it would be wholly unenforceable; that it places no responsibility for whatever labeling might come within its jurisdiction; that it contains no definite commerce clauses which would bring it down to the retail level of selling and advertising and thus leaves the Federal Trade Commission

with no more authority, and with a good deal less, than it already has; and that it would repeal both the Wool Products Labeling Act and the Flammable Fabrics Act, hardly a worthy objective for anyone to be recommending.

Consumers have had long experience using cotton, wool, silk, linen, rayon, and acetate, all of which have been marketed in quantity for many years. Nylon made its first appearance some 20 years ago and has been available to consumers for more than a decade. Together these fibers account for more than 95 percent of the total used in garments. Consumers are rapidly becoming acquainted with the characteristics of orlon, dacron, acrilan, and the other newer fibers, which presently account for a very small fraction of the fibers used in apparel articles. Consumers know from experience what the fibers will do. If a list of desirable characteristics were presented to the average consumer, she would have a good idea of how the various fibers compare with one another. Certain fibers mean certain things to the consumer, and to say that fiber content means nothing to her is to insult her intelligence.

It was said by witnesses that fiber content labeling, standing alone, might mislead the consumer. Actually, the consumer is being misled right now because fiber content is not disclosed. I will not repeat here the forceful examples presented to the committee of products advertised as containing specific fibers and having specific performance characteristics when in fact they didn't contain enough of those fibers to have any of their performance characteristics.

It was also said by witnesses that a label showing a small amount of a fiber in a product would lead the consumer to believe that none of that fiber's properties could be present in the product. If that were true, the fiber producers who have gone to such great lengths to educate the consumer about the characteristics of their fibers and the amounts needed for performance have wasted enormous quantities of time and money. If fiber content were not important to the consumer, fiber producers simply would not promote their products on the basis of fiber content, as they do.

Fiber content does not, of course, govern performance 100 percent, but it is by far and away the largest single influence on performance. The very fact that there are so many different fibers with so many different qualities repudiates this contention. Fiber characteristics carry over into the ultimate fabric or product, and in most cases they dominate the performance of the end-use article.

Much was made of the fact that finishing and dyeing have a real influence on the performance of an article. It is true that they do, but it is also true, as these witnesses didn't bother to point out, that there are numerous resin finishes and dyes that require no special care or treatment, and that most of the reputable manufacturers use these high-quality processes.

The second objection advanced is the allegation that there is no consumer demand for this legislation. This is not true. No one, perhaps, is in closer contact with the consumer than the retailer. During the hearings last year before the House committee the representative of the National Retail Merchant Association said:

"A bill requiring the true identification or representation of the fiber content of fabrics and garments is distinctly in the interest of the consumer."

This year, before your committee, the same witness said that percentage disclosure of fiber content would be helpful to the consumer. I do not think the retailers would support any type of mandatory labeling legislation unless there was consumer pressure for it.

The third argument in opposition to H. R. 469, that the Federal Trade Commission already has adequate authority to protect the consumer from deception in labeling and advertising of textiles, and that enactment of this legislation would compound existing confusion, is on its face absurd.

The existing general authority of the Federal Trade Commission gives it no power whatever to reach down to the retail level of selling and advertising to prevent or prosecute deception, and it is at the retail level that the consumer is deceived. It does not help the consumer, nor increase the authority of the Commission, to know that the deception by the retailer was innocently based on a previous deception by the manufacturer.

The statement that this legislation would add to confusion in labeling requirements is equally absurd. Labeling is now required by law under the Wool Products Labeling Act and the Flammable Fabrics Act. It is required by voluntary agreement under a group of some 6 or 8 sets of trade-practice rules for as many fibers. The requirements under one set of those rules differ from the requirements under another set. The Federal Trade Commission has informed me that enactment of this legislation will automatically cancel all of those trade-practice rules relating to fibers. Instead of adding to confusion, passage

of this act will substantially decrease confusion, and will provide identical treatment for all fibers.

This brings us to the last of the four arguments against the legislation—that it would place a great burden of cost on those responsible for labeling. The opponents of the legislation are apparently not very sure upon whom this great burden is going to fall, however. The garment manufacturers, when they testified, said the burden would be on them. The textile manufacturers, when they testified, and they supply the garment manufacturers, said the burden would be on them.

These general statements as to cost, unsupported as they are, disturb me because they are the least founded and the loudest asserted. No one who has appeared before either the Senate or the House committee has offered any evidence of what this cost would be. They have all admitted that all textile products are already being labeled; discussing cost, they say only that adding fiber percentages would be costly, that extra record keeping would be involved, and that additional personnel would be needed merely to inspect the fabric or garment before it leaves the plant to see that the labeling requirements of this measure are met.

Actually, for the vast majority of yarn and cloth manufacturers, and for garment manufacturers as well, compliance with this act would require little more than they are already doing.

Most manufacturers already label their products in some fashion; thus they need only redesign their labels, and they have 18 months in which to use up their present supplies of labels.

Under normal manufacturing processes, mills must issue job orders and specifications which include the fiber content of the goods being made. If this were not so, the mill would have no idea what kind of fabric or garment it had when the process was completed. These job orders, following the product all the way through the manufacturing process, are a part of the company's records. Thus, no extra or special records will be required, at least not in a normal, reputable operation.

Good business practice demands an inspection of the product before it is shipped to the customer to see that all specifications are met. There is no reason why this inspection, by the same personnel, could not include an examination to determine whether the product is properly labeled as to fiber content.

Last year Mr. Ralph Bachenheimer appeared before the House committee, speaking for Dan River Mills and for various textile and garment manufacturers. Mr. Bachenheimer appeared again this year before the Senate committee, again representing the textile and garment manufacturers, but not speaking for Dan River Mills. He is, however, an executive of a Dan River subsidiary.

He has never said in testimony that the cost of labeling would be disastrous to anyone. He has referred to cost as an "immense burden" and then left it right there, without further discussion or substantiation. In personal conversations with me, Mr. Bachenheimer has conceded that the cost of labeling under this act would be negligible.

This year Mr. Daniel appeared, as assistant to the president, for Dan River Mills, and following the somewhat surprising statement that Dan River had not previously testified on this legislation, he made the astonishing prediction, again unsupported by any evidence, that the cost of fiber content labeling would be so great that it would put Dan River out of business.

This is a serious charge. In considering it, I think the committee should bear in mind that one of the top executives of Dan River Mills sits as a voting delegate to the National Cotton Council. For 3 successive years the council delegates have considered this legislation at their annual meeting, and for 3 successive years they have unanimously endorsed it. The voting delegate from Dan River has yet to raise his voice in opposition and if Dan River were in fact faced with ruin, it seems to me he would have been compelled, in his own interest, to speak out against the measure and to vote against the legislation's endorsement by the council. He has not done so.

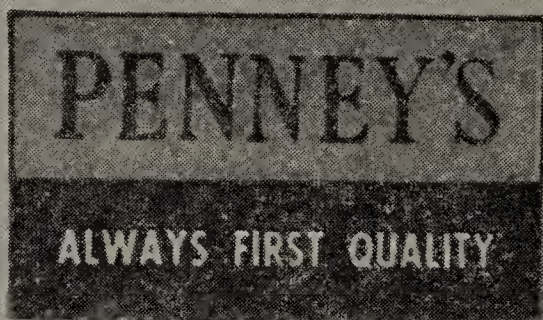
The Dan River witness, also surprisingly, implied that this legislation has never been discussed with the manufacturers. The implication, put in the somewhat oblique form of a question, is the more questionable when it is pointed out that Mr. Bachenheimer, a Dan River executive, participated personally in conferences on this bill attended by the manufacturers, Federal Trade Commission staff, House committee staff, and myself, in New York City in the fall of 1956.

Mr. Bachenheimer included in his testimony before this committee the statement that—

"Every reputable member of the chain of production and distribution of textile products today already generally discloses the fiber content along with performance characteristics of the fabric being marketed."

It is on this point, I think, that the cost argument falls completely. It is a fact, and a known fact, that virtually every textile item on the market today, whether it sells for 25 cents or \$250, contains some kind of label. Most of them carry promotional labels. Some of them show fiber content.

I am submitting with this statement a label taken from a boy's jacket, sold by the J. C. Penney chain, for \$7.95. You will note that the label includes brand names, performance characteristics, and fiber content. It seems to be an excellent sort of label. I find it difficult to believe that a label of this kind would be in use by a store that does not cater to an expensive trade and that is a chain operation if its cost were excessive.



MACHINE WASHABLE
IN LUKEWARM WATER

PRESHRUNK
WATER REPELLENT

LONG WEARING—Select quality fabric to insure maximum service.

COMFORTABLE—Penney specifications insure proper fit and freedom of action.

WATER REPELLENT—Treated to resist water, perspiration and non-oily stains.

PRESHRUNK—Less than 3% shrinkage.

SEE REVERSE SIDE FOR PROPER CARE

Don't hesitate to launder this jacket, because soil reduces effect of water repellency.

WASHABLE

WASH under careful commercial or home laundering conditions.

USE warm water (not to exceed 120°) . . . No bleaching agents.

RINSE thoroughly to remove all soap.

DRY away from direct sunlight.

PRESS on wrong side with warm, not hot, iron.

PROPER SIZE CHART (Maximum specifications for each size)

BUY ~	Size	2	4	6	8	10	12	14	16	18
If your boy measures {	Height	34	40	46	50	54	58	61	64	66
	Weight	29	38	49	59	73	87	100	115	126
	Chest	21	23	25	26½	28	29½	31½	33	34½

LOT H24-611

SIZE HOUSE No. 8003

FIBER CONTENT: **100% COTTON**

REVERSE

100% NYLON

J. C. PENNEY



SIZE 10
COMPANY, INC.

H24-2502

Mr. Daniel, in his statement for Dan River, also presented what he said would be an extremely expensive and insurmountable obstacle to compliance in the form of bundle goods. If Mr. Daniel had checked with the Federal Trade Commission, as I did, he would have found that the Commission already has regulations which permit the labeling of bundle goods as a bundle, and that those regulations will obtain under this act, thereby eliminating entirely the only specific example of a cost problem presented to the committee.

The evidence makes it clear that cost is not a valid objection. It is obviously raised here as it was raised when the Wool Products Labeling Act was under consideration. It was said then that the cost of labeling would ruin the wool industry, but the industry has found that the cost of labeling is, instead, insignificant. It will be equally insignificant under this act.

Now I would like to turn to some specific questions concerning the responsibility for labeling requirements, the use of generic names, and the advertising provisions of this act.

Representatives of the retail trade said that they feared they would be responsible for doing the labeling. Part of this fear they based on the fact that the bill does permit the labeling of package items. The point evidently misunderstood here is that the bill permits the labeling of the box or package only if the product is intended to be sold to the consumer unopened in that box or package. The most familiar example of this is the "gift box" of towels—packaged by the manufacturer, 4 or 6 towels to the box, in a fancy gift box and intended to be sold by the retailer to his customer in that box, unopened.

That provision does not apply to any product shipped by the manufacturer to the retailer and packed several to the box but intended to be sold individually.

The retailers also said they feared they might be required to label merchandise like men's suits, rather than its being done by the manufacturer, because a man's suit comes to the retailer with the trouser leg unfinished. The bill says that the product will be labeled when it is produced in the form intended for sale or delivery to or for use by the consumer. Clearly, the retailer sells the suit to his customer with the trouser leg unfinished; the manufacturer is therefore responsible for doing the labeling. No problem should exist in this respect.

The matter of generic names was made very clear at the House hearings, which most of the witnesses before the Senate committee attended. It was here argued, however, that with man-made fibers, generic names would be unintelligible chemical terms with no meaning to the consumer. I don't know that I would agree with that point of view, but the point is this: It was specifically agreed with the Federal Trade Commission, and made part of the legislative record of the House hearings, that the Commission would meet with the industry to develop and agree upon mutually acceptable generic names for the new fibers, names which would be easily recognized and understood.

In addition, this bill in no way prohibits the use of trademarks on the label. Even if it is ultimately determined that the generic name for dacron will be "polyester," the label will still be able to say "dacron" as well, and from a promotional standpoint alone, I feel confident that it will do so.

The one remaining provision of this legislation I would like to discuss is that covering advertising. There is apparently a lot of confusion about the advertising provisions of H. R. 469, and I want to clear it up because I do not understand how anyone could object to those provisions.

Under the language of H. R. 469, no advertisement need say anything whatever about fiber content. What this act does require is that if an advertisement does make reference to fiber content, that advertisement must include the names of all the fibers present in the product, in the order of predominance by weight. The percentages of the fibers present are not required to be shown in the advertisement under H. R. 469, and the naming of any fiber present in a quantity less than 5 percent is prohibited.

I think the committee will be interested in an advertisement I received the other day from a garment manufacturer who is also a retailer. Fiber content, and in a good many instances the percentage of fiber content, has been used for promotional purposes in this booklet in a manner which speaks for itself.

(Booklet available in files of committee.)

I believe the evidence has made it abundantly clear that percentage fiber content disclosure on a mandatory basis is the best form of protection we can give the consumer of textile products, and I think the evidence has also made

it clear that the consumer needs that protection. It is evident that this can be achieved with a minimum of effort on the part of the industry, and I sincerely hope that we can look forward to enactment of this legislation by this Congress.

AGENCY COMMENT

The Tariff Commission made no comments. The General Accounting Office and the Department of the Interior offered no comment. The Secretary of the Treasury, while advising he has no comment, offered a technical amendment (p. 14, line 22—wants reference to sec. 484, Tariff Act, deleted).

The Department of Agriculture is in accord with the purpose of H. R. 469 and has no objection to its enactment.

The Department of State has no objection to the enactment of the bill, but only if section 4 (b) (4) is deleted. That subsection would require that on imported textile fiber products, the name of the country where it was processed or manufactured be shown.

The Department of Justice reported on a similar bill (S. 1616). While the Department advised the enactment of the bill was a question of policy for the Congress, it pointed out parts of the legislation that should be very carefully considered, such as lack of seizure or forfeiture provisions, the absolute exemption of goods for export, and the placing of litigation functions in an agency other than the Department. The question of whether the time has arrived for products labeling acts (wool—fur—flammable) to be combined in one act is also raised.

The Federal Trade Commission report, after three pages of suggested amendments, closes with this rather peculiar statement:

We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

The Secretary of Commerce is unable to recommend enactment of this legislation. The report indicates that an overhaul of all of the labeling acts is more desirable. Further, the report indicates that consumers and industrial users are demanding and obtaining definition of fiber composition of textile products on the market.

(The agency statements and letters mentioned follow:)

UNITED STATES TARIFF COMMISSION,
Washington, D. C., March 27, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate

DEAR MR. CHAIRMAN: Further reference is made to your request of March 20, 1957, for comments that the Commission may care of offer concerning S. 1616, 85th Congress, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

S. 1616 is aimed at preventing misbranding and false advertising of the fiber content of textile fiber products and is similar to legislation enacted in recent years with respect to other products, such as the labeling act dealing with fur products (15 U. S. C. 69, et seq.). The legislation, if enacted, would be administered by the Federal Trade Commission.

The Tariff Commission has no comments to offer regarding the merits of the proposed legislation.

Sincerely yours,

E. B. BROSSARD,
Chairman.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 26, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate

DEAR MR. CHAIRMAN: Further reference is made to your letter of August 16, 1957, acknowledged on August 19, requesting the comments of the General Accounting Office concerning H. R. 469, 85th Congress, 1st session, entitled "An act to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes," which passed the House of Representatives on August 14, 1957.

We have no special information or knowledge as to the need for or desirability of the proposed legislation and, therefore, we make no recommendation with respect to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
Washington, September 19, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: This is in response to your request for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The bill does not appear to relate to any matter within the jurisdiction of this Department or to affect any matter upon which the Department would be in a position to give helpful information or advice. Accordingly, this Department has no comment to offer with respect to the merit of the purpose or provisions of the bill.

We greatly appreciate your bringing this matter to our attention, and welcome the opportunity to submit recommendations on any measure where the activities of the Department may possibly be involved, or where its experience may possibly be of value.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

TREASURY DEPARTMENT,
Washington, August 21, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of August 16, 1957, requesting a statement of this Department's views on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The proposed legislation would provide that the manufacture for introduction, sale, advertising or offering for sale, in commerce, or the importation into the United States, or transportation, of certain textile fiber products which are misbranded or falsely or deceptively advertised would be unlawful and would constitute unfair and deceptive act or practice under the Federal Trade Commission Act.

Since the proposed legislation relates to matters not primarily within the jurisdiction of this Department, the Treasury has no comment on the merits of the proposed legislation. However, since the Bureau of Customs of this Department would apparently be charged with the administration of the act insofar as importations are concerned, it should be pointed out that the enactment of this proposed legislation would result in an additional workload for customs personnel at ports of importation of such goods. Apart from this, it would not appear that the enactment of this proposed legislation would result in any unusual administrative difficulties.

There is one technical matter which the Department would like to bring to the attention of the committee. Inasmuch as Treasury Decisions 53869, effective October 1, 1955, abolishes the requirement for certification of invoices, any reference to such requirement should be deleted from the bill. This can be done by changing the comma after the word "Act" on page 14, line 22, to a period, and deleting the remainder of that sentence.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of an identical report on S. 1616, a similar bill.

Very truly yours,

DAVIS W. KENDALL,
Acting Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., September 19, 1957.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: This is in reply to your request of August 16, 1957, for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The Department is in accord with the purpose of H. R. 469 and has no objection to the enactment of such legislation. The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion, it should be of help to cotton and its competition with manmade fibers.

H. R. 469 prohibits the introduction in interstate or foreign commerce of certain textile fiber products and other related transactions in such products when the products are misbranded, or falsely or deceptively advertised, and requires such products to bear a statement of their fiber content. Under the bill, a product is deemed falsely or deceptively advertised if any written advertisement refers to the fiber content, unless it contains the fiber content information required by the bill.

The bill would require the identification of the fiber content of fibers and fabrics used or intended for use in articles of wearing apparel, costumes, and accessories, draperies, floor coverings, furnishings, beddings, and other household textile goods. Exceptions are made for certain items including footwear, headwear, handbags, luggage, brushes, lampshades, toys, bandages, and surgical dressings, and other articles which the Federal Trade Commission may exempt. Under the bill a textile fiber product in general would be misbranded if the stamp, tag, label, or other means of identification does not show (1) the fibers in the product, by generic name in the order of predominance, and (2) the percentage of each fiber present in the product. Provision is made for injunctions to enforce the legislation and for criminal actions for willful violations. The bill contains provisions under which a guaranty of the product involved would protect the one receiving the guaranty from liability under the bill.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

DEPARTMENT OF STATE,
Washington, August 22, 1957.

Hon. WARREN MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR SENATOR MAGNUSON: Inasmuch as H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products and for other purposes, has been referred to the Committee on Interstate and Foreign Commerce, the Department wishes to make the following comments on H. R. 469:

With the exception of paragraph (4) of subsection (b), section 4, the Department has no objection to the enactment of H. R. 469 from the standpoint of its possible effect on United States foreign relations. This paragraph pro-

vides that an imported textile-fiber product shall be held to be misbranded unless the name of the country "where processed or manufactured" is shown on a stamp, tag, or label on, or affixed to, the product.

This paragraph does not appear to be consistent with the stated purpose of the bill, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question, insofar as it applies to textile-fiber products in the state in which they are imported, is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consist in part of imported textile-fiber products.

The United States has contractual relations with many countries providing that imported products shall be accorded treatment no less favorable than that accorded to like products of national origin in respect of all laws, regulations, and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. Such treatment has been interpreted to mean that when goods have duly passed into domestic trade, they can be subject only to the same taxes, laws, and regulations as are applicable to similar domestic goods. In other words, the purpose of these commitments is to prevent the application of any hidden discrimination or restriction against imported goods once they have been properly imported and cleared through customs, such goods thereafter being treated in all respects in the same manner as domestic goods. H. R. 469 does not require an indication that textile-fiber products are made in the United States when this is the case. In other words, foreign textile-fiber products would not be treated in the same manner as the domestic article.

In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469, there appears to be a more general problem posed by the effect of such regulations upon that broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American-manufactured products, constituent parts of which are imported—and once applied to textile-fiber products a precedent will have been established—marking requirements would become so onerous as to impede seriously the use of imported materials in any product manufactured within the United States.

The Department is seriously concerned about the implications of the cited paragraph of H. R. 469, and recommends that it be deleted from the bill.

Sincerely yours,

JOHN S. HOGHLAND II,
Acting Assistant Secretary for Congressional Relations
(For the Secretary of State).

DEPARTMENT OF STATE,
Washington, August 30, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Further reference is made to your letter of August 16, 1957, requesting a report on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

The Department wishes to confirm an understanding reached in a telephone conversation between a member of the staff of the Committee on Interstate and Foreign Commerce and an officer of the Department to the effect that the voluntary report containing the Department's comments on H. R. 469 dated August 22 will satisfactorily answer the request made in your letter of August 16, 1957.

The Department has been informed that the Bureau of the Budget has no objection to the submission of the voluntary report referred to above.

Sincerely yours,

JOHN S. HOGHLAND II,
Acting Assistant Secretary for Congressional Relations
(For the Secretary of State).

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., February 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

With one notable exception this bill is similar in all material respects to S. 1616 which was the subject of this Department's report to you on January 10, 1958. A copy of that report is enclosed for your ready reference.

The exception referred to relates to the language of section 3 (b) of H. R. 469. Unlike the comparable section of S. 1616, section 3 (b) of H. R. 469 appears to make unlawful any sale, etc., whether interstate in character or not, of a misbranded or falsely advertised textile-fiber product if the product had been offered for sale or advertised in interstate commerce. The question is raised whether such a provision would be enforceable to the extent of bringing intrastate transactions subsequent to interstate advertising within the coverage of the act where the advertising was not in violation of the act.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

DEPARTMENT OF JUSTICE,
Washington, January 10, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1616) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The basic purpose of this legislation is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising of the fiber content of such products. It would not apply to products required to be labeled under the Wool Products Labeling Act of 1939.

Whether legislation of this type should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no recommendation. However, there are a number of considerations to which committee attention is invited.

From an enforcement standpoint, the failure of the measure to contain any seizure or forfeiture provisions is unfortunate. Provisions of this type are found in the Fur Products Labeling Act (15 U. S. C. 69); the Wool Products Labeling Act (15 U. S. C. 68); and the Flammable Fabrics Act (15 U. S. C. 1191, et seq.). Seizure and condemnation provisions are particularly valuable in those instances where a shipment of a misbranded product is uncovered and it is not possible to ascertain immediately the part responsible for the misbranded shipment. Seizure under such circumstances provides a ready means for preventing the distribution of such a commodity to consumers. Furthermore, such procedure provides an orderly means whereby products which are not in compliance with the act can be brought into compliance.

Section 3 (a) (3), exempting from the coverage of the bill the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country, is somewhat unusual in its absolute form. It is noted that the Wool Products Labeling Act provides in a comparable section that wool products branded in accordance with the specifications of the purchaser and in accordance with the laws of the country to which they are being exported, are exempt. The Federal Food, Drug, and Cosmetic Act has a fairly similar provision in title 21, United States Code section 381 (d), except for a further requirement that the outside of the shipping package shall be labeled in such a way as to show that it is intended for export. The absence of labeling requirements applicable to pack-

ages for export make general enforcement of the act more difficult, and might facilitate deceptions reflecting adversely upon the United States and American exporters.

The Department of Justice is unable to support that provision of the bill which places the litigation function with respect to injunction suits in another agency of the Government. Such a provision is not in keeping with the general policy that the Department of Justice is the litigating arm of the Government. Also, in view of the Department's experience under other regulatory statutes, as, for example, the Food, Drug, and Cosmetic Act, such a provision is objectionable.

A question is also raised for committee consideration as to whether the time has arrived for products labeling acts (for example, wool products, fur products, and flammable fabrics) to be combined in one enactment rather than to continue with piecemeal legislation as heretofore.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

LAWRENCE E. WALSH,
Deputy Attorney General.

FEDERAL TRADE COMMISSION,
Washington, November 8, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter of August 16, 1957, inviting comment upon H. R. 469 which was passed by the House of Representatives of the 85th Congress, 1st session. The purpose of the bill is to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any "textile fiber product," the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals, but there are a few of its provisions as to which we think some comment should be made.

Section 4 (b) (2) of the bill provides for the establishment by the Commission of reasonable tolerances for deviation in the fiber content of any textile fiber product from the amount stated on the label and that no deviation which does not exceed the tolerance shall be a misbranding. This is followed by a second provision that any deviation which exceeds the tolerances fixed shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variation in manufacture despite the exercise of due care to make the statements on the label accurate. The Commission is inclined to doubt the advisability of this double provision and thinks it would be preferable to omit the first provision and make the latter provision applicable to any deviation rather than to deviations in excess of a prescribed tolerance.

Obviously, any "reasonable tolerances" that might be fixed could not be those which could be met only by manufacturers with the best equipment and greatest manufacturing skill; on the contrary, they would have to be wide enough to include the products of the poorly equipped and less skillful manufacturer. This can result in manufacturers attempting to come barely within the tolerances provided, rather than being as accurate as the exercise of due care in their individual cases would permit. If fibers of widely varying value are being combined, a tolerance provision almost forces a producer to try to use the least amount of the most valuable of the fibers that he can, and still stay within the tolerance or be able to defend a deviation beyond the tolerance under the second provision. If there were no tolerances fixed and the second provision applied to any deviations, quite plainly the Commission would not proceed with respect to deviations which could be successfully defended. It has not done so under the Wool Products Labeling Act, and any other course would be a senseless waste of public funds. Under such a provision deviations would have to be treated upon the basis of the individual case, and consequently there would be no tendency to lower standards to the extent permitted by a tolerance that was fixed to accommodate low manufacturing efficiency.

Section 4 (c), which deals with advertising, covers only written advertisements used to promote the sale or offering for sale of textile fiber products. This would amount to an exemption from the advertising provisions of the bill of all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole concerning the advertising provisions of the bill and might well be considered discriminatory against advertising mediums of a written type. The advertising provisions of the bill should perhaps be extended to cover any form of advertising mediums, including radio and television.

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should, nevertheless, conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used, and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

Subsection 4 (b) (4) of the reported bill reads:

"If it is an imported textile fiber product the name of the country where processed or manufactured." This subsection does not appear to add anything more than is presently required under section 304 of the Tariff Act of 1930, as amended, and as supplemented by regulations of the Bureau of Customs concerning the marking of imported articles.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

N. B.—Pursuant to regulations, this report was submitted to the Bureau of the Budget on October 31, 1957, and on November 8, 1957, the Commission was advised that there would be no objection to the submission of the report to the committee.

ROBERT M. PARRISH, *Secretary.*

THE SECRETARY OF COMMERCE,
Washington, October 18, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated August 16, 1957, for the views of this Department with respect to H. R. 469, an act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

H. R. 469 would provide for labeling as to the fiber content of textile fiber products made from natural or synthetic fibers whether of domestic or foreign origin.

The Department of Commerce is unable to recommend enactment of this legislation.

We feel that any new legislation enacted for these general purposes should incorporate all of the requirements imposed by the Federal Government for labeling and identification of all fibers. In our judgment, this should be accomplished by the repeal of the Wool Products Labeling Act of 1939 and the incorporation in the new legislation of the requirements of that act for the identification of the various classes of wool: virgin wool, reprocessed wool, and reused wool.

This Department also has had reservations as to the real need for Federal legislation requiring fiber identification labeling, for the protection of producers, consumers, and others. The introduction a few years ago of new synthetic fibers in the manufacture of clothing and textiles did, it is true, result in articles which behaved and performed in use somewhat differently than did products made entirely of natural fibers. As commercial experience with synthetic fibers in textiles broadens, both consumers and industrial users are developing their preference in fiber composition, and are demanding and, in the normal course of commerce, obtaining definition of the fiber composition of textile products on the market.

In view of these matters, and considering the variety of both State and local labeling requirements already placed upon manufacturers of many types of textile fiber products for household use, this Department is not convinced that the enactment of Federal legislation such as H. R. 469 is in fact necessary for the protection of the producer and the consumer.

For the above reasons, the Department of Commerce feels that it cannot support enactment of H. R. 469.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

HOUSE OF REPRESENTATIVES,
Washington, D. C. January 27, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate,
Washington, D. C.*

DEAR MR. CHAIRMAN: I understand that your committee will consider H. R. 469, the Textile Fiber Products Identification Act, which I introduced, at its meeting on January 29. A clerical error occurred in the preparation of the final draft of H. R. 469, and if your committee considers amendments to the legislation, I would very much appreciate your assistance in correcting the error.

Sewing thread is specifically exempted from the provisions of the act by section 12 (a) (7), but because subsection (7) was incorrectly included in the last paragraph of section 12 (a), where it appears in line 9 on page 18, the exemption is, in effect, withdrawn.

Sewing thread is always entirely one fiber or another, and the fiber is named on the spool; because of space limitations, there is general agreement among all segments of the textile industry and the Federal Trade Commission that no further designation is required.

The opportunity to correct the error did not come up in committee in the House nor during consideration and passage of the bill on the floor, but if it can be done in the Senate, I would appreciate it very much.

Cordially,

(Signed) Frank,

(Typed) FRANK E. SMITH, *Member of Congress.*

H. R. 469—TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

PROPOSED AMENDMENT

Section 12 (a), page 18, lines 8 and 9: Substitute for the present language of lines 8 and 9 on page 18 the following language: "The exemption provided for any article by paragraph (3) or (4) of this subsection shall not be * * *."

HOUSE OF REPRESENTATIVES,
Washington, February 11, 1958.

Senator WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
United States Senate,*

DEAR MR. CHAIRMAN: On Monday, February 24, 1958, a subcommittee of the Senate Committee on Interstate and Foreign Commerce, will hold hearings on H. R. 469—to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products.

This legislation has been passed by the House of Representatives.

Basically, this legislation proposes a very simple thing—that the consumer be advised of what he is buying. It is of prime importance to cotton growers in the United States and to the general economy of the agricultural States. Your committee will be interested in knowing that all farm organizations in my district in Arkansas have endorsed this legislation.

No manufacturer will desire to mislead his customer. To do so in this instance would be to admit the superiority of the fiber he seeks to imitate.

All consumer groups, once acquainted with this legislation, will be equally determined that labeling should be placed on all textiles. Certainly the buyer is entitled to know what he is buying so that he can choose the fabric that is best suited to his needs.

I shall appreciate it if you will bring this letter to the attention of your subcommittee when this legislation is under consideration.

Yours very sincerely,

E. C. GATHINGS.

THE ASSOCIATION OF COTTON TEXTILE MERCHANTS OF NEW YORK,
New York, N. Y., February 21, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: The enclosed letter to you as chairman of the Senate Committee on Interstate and Foreign Commerce presents our views on the subject of new Federal legislation to control labeling and advertising practices in the sale and distribution of textiles and textile products, as set forth in H. R. 469.

Copies of this letter have been addressed to each member of your committee and we shall appreciate its incorporation in the proceedings of your hearing, if this is permissible. Should additional copies be required, we will be glad to furnish them.

Faithfully yours,

RAY W. BELL, *President.*

THE ASSOCIATION OF COTTON TEXTILE MERCHANTS OF NEW YORK,
New York, N. Y., February 21, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: New York City is the national center of distribution for American-made textiles and textile products. For nearly 40 years this association has served as spokesman for its members who are the sales divisions or marketing agencies for the output of a large percentage of the cotton mills in the United States. Their common interest and responsibility is the sale and distribution of cotton textiles in whatever form produced by the mills and required by the distributing trades at their appropriate levels. Thus, unfinished fabrics are sold to converters and the industrial trades; finished cloth goes to apparel manufacturers; fabricated products, like sheets, towels, bedspreads, etc., find ultimate consumer buying through wholesale channels and the retail trades. Because our function and very existence depends upon the maintenance and development of the largest possible distribution of cotton goods in this country and abroad, we are, and always have been, favorable to any proposal which gave promise of adding to the volume of textile demand. At the same time, we have consistently opposed undue restrictions which could only result in needless complications and wasteful costs, without any practical benefit to the trade or the ultimate consumer.

We have examined thoroughly the provisions of H. R. 469, named as the Textile Fiber Products Identification Act which is now under your consideration in the Senate Committee on Interstate and Foreign Commerce. Primarily the proposed legislation is designed to replace the individual freedom of private enterprise in matters of textile labeling and advertising with bureaucratic control under a new Federal statute and its consequent regulations. In our opinion such a step is only desirable if there are most impelling and urgent reasons of public interest. Notwithstanding the bill's passage in the lower House, we don't think such reasons exist.

In the fields of household products and apparel, to which the bill is confined, it is our conviction that truthful and honest representation in the trade and to the consumer is not surpassed by any products in American markets. These are highly competitive areas and in them deception and misrepresentation would only bring disaster to the guilty firms or individuals. And where the question of fiber content is an important factor, it is only natural that the fiber element is played up to its full importance in labeling and advertising. This is particularly true in cottons, wherever the finer qualities of combed yarns or extra-quality growths are used. However, fiber content is but one of the many elements in fabrics or apparel and often subordinate to other features which make for sales appeal and consumer understanding. A first consideration is whether the fabric is woven, knitted or felted. Also included in these vital components are the construction and texture of the fabric, its color characteristics and type of finishing process, any one of which may far outweigh fiber content in salable or intrinsic value or consumer satisfaction. In fabricated products and especially apparel, new elements of style, design and fashion enter into the picture and have a dominant influence on identification practices. Should producers be forced into complete description of all ingredients, labels would have to be larger than the products and the consumer would be dazzled with confusion.

In view of the broad ranges of potential sales appeal and consumer satisfaction, it is our conviction that a Federal statute which pinpoints fiber content as the all essential element to be regulated and policed in textile product identification is not only unjustified but might even prove misleading and deceptive to the ultimate consumer. Under prevailing conditions, which only demand that claims be honest and truthful, the consumer has a wide choice and can select fabrics or products according to his preference for qualities or properties, including the element of fiber content. While it is doubtful that the consumer's buying decision is based on any single advertised or labeled component, he is free to reject merchandise for any reason, including that of insufficient information. The truth is that factual information is now being supplied widely and wherever considered important in influencing the purchase and sale of goods. Truthfulness in the identification and sale of textile fabrics and products is already required under existing law and enforced regularly by such public agencies as the Federal Trade Commission and the Department of Justice

plus the activities of semipublic bodies like the national and city better business bureaus. Should the omission of claims concerning fiber content, even in unlabeled and unadvertised merchandise, become a criminal offense, the tasks of these agencies would be multiplied and many honest firms would be penalized, with no public or private benefit.

If our views are correct and the proposed legislation promises little or nothing for the consuming public beyond superfluous information, the excuse for a new law has completely vanished. For the textile trades do not want it and our customers in every segment of the apparel industries are unanimously in opposition. To them it would bring increased costs and the nuisances of record keeping without any compensations in goodwill, better understanding, or increased consumption of their products. The raw cotton and cotton textile industries need the confidence and continued patronage of these important customers and can ill afford any antagonism that will arise from burdening them and the public with added cost from useless legislation.

As to the charge that without mandatory legislation, cotton fabrics and products would be diluted with cheaper synthetic fibers, the trade practice rules for the rayon and acetate industry now prescribe that identification of those fibers must be made on labels and in advertising whenever they are components of any industry product. Under the enforcement of these rules, the risk of improper designation is reduced to the offenders against truthful labeling and advertising for whom penalties are provided in existing law. With respect to all cotton items, no need has ever been shown for compulsory labeling of such goods, since cotton is known and does not lend itself to deceptive practice.

In summary, we believe that the legislation proposed is not necessary at this time and would better be postponed until there is a clearly demonstrated need. In labeling and advertising there exist ample ways to punish fraud and deception under present statutes and there are no restrictions against positive identification of any ingredient, quality, or characteristic, providing the statements are truthful. The textile industry has always approved and practiced this method of individual choice whereby the responsibility for any claim rested with the producer or seller who took the positive approach and used his judgment as to the propriety of featuring a brand or a distinctive finish, or other ingredient, of the merchandise offered for sale. We do not believe it wise to abandon this freedom for the sake of force measures which may boomerang to the disadvantage of increased cotton consumption.

Sincerely yours,

 President.

JOHN T. LODGE & Co., INC.,
Watertown, Mass., March 6, 1958.

Senator WARREN MAGNUSON,
Chairman, Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.

HONORED SIR: On reading the testimony of Mr. J. A. Crowder before the Senate Committee on Interstate and Foreign Commerce on H. R. 469 and S. 1616 labeling bills he made the following two statements:

1. Nor do we believe that the wisdom of preserving this statutory requirement is lessened in any degree by an alleged difficulty in detecting the presence of reprocessed wool in falsely labeled imports of wool products from abroad. A Federal Trade Commission witness testified before the House committee last year that the Commission knows of no such imports, but that he has been given expert opinion that the presence of such reprocessed fibers could be detected by laboratory analysis.

2. In any event, we suggest that difficulty of enforcement in one limited area is not a valid reason for repeal of a statute of general applicability, which provides abundant benefit to the mass of the people.

I respectfully wish to state that there is no known test whereby reused and or reprocessed wool fiber can be distinguished from virgin wool fiber. I definitely challenge any so-called expert to produce such a test and I also am firm in my conviction that such testimony regarding the ability to differentiate between reused, reprocessed, and virgin wool fiber is misleading. I have been handling wool, reprocessed wool, and reused wool for 35 years and I know I am correct regarding testing.

The public would be well served, the Government in a position to enforce the law if virgin synthetics were so labeled and all other synthetics labeled "re-

processed." The Wool Products Labeling Act of 1939 should be amended so as to label wool from the sheeps back as virgin wool and all other wool fibers reprocessed wool.

Very truly yours,

JAMES J. DUGAN.

CHAMBER OF COMMERCE,
Greenville, Miss., March 5, 1958.

Senator WARREN J. MAGNUSON,
*Chairman, Senate Interstate and Foreign Commerce Committee, Senate
Office Building, Washington, D. C.*

DEAR SENATOR: The board of directors of the Chamber of Commerce, Greenville, Miss., today unanimously endorsed House Resolution 469, requiring the labeling of textile products to show fiber content of the product.

Since blending of cotton with some synthetics is advantageous; and with others, disadvantageous, it is felt that the consumer needs to know the fiber contents of an article in order to be aware of quality, and in determining proper laundering and cleaning procedure.

Therefore, we sincerely hope that your committee will look upon H. R. 469 favorably and help in its passage by the United States Senate.

Sincerely yours,

BOYD RIDGWAY, *Manager.*

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
April 28, 1958.

Hon. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
United States Senate.*

DEAR SENATOR MAGNUSON: I am enclosing a letter from a constituent of mine, Mr. George A. Flannigan, concerning the Textile Fiber Products Identification Act, H. R. 469, which is presently pending in your committee. I would appreciate your consideration of the points presented in Mr. Flannigan's letter. If it is not too late, I would also appreciate your making this letter a part of the permanent record of the hearings on H. R. 469.

Sincerely yours,

JOHN A. CARROLL.

(Senator Carroll also enclosed a letter from George A. Flannigan, manager, Colorado Retailers Association, Denver, Colo., which will be found on p. 339.)

UNITED STATES SENATE,
Washington, D. C., March 4, 1958.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR Mr. CHAIRMAN: I understand that a bill designated as the Textile Fiber Products Identification Act, H. R. 469, passed the House last August and is now before your committee. This bill will require the labeling of every article of apparel with the exact percentage of fiber content by the manufacturers of such articles. I understand that its purpose is to inform the consumer of the exact fiber content of any article of wearing apparel so that he may be in a position to purchase such articles intelligently.

I have been reliably informed that the mere knowledge of the fiber content is not a safe guide to consumers in the choice of articles of wearing apparel. Consumers are more interested in knowing something about the qualities of the article such as whether it will wear well, how it will iron, or wash, and whether it is colorfast. I am also reliably informed that any reputable manufacture is presently furnishing such information about his products as a matter of self-interest.

It would appear to me that H. R. 469 therefore fails to get to the heart of the question as to the type of information the consumer needs in order to make an intelligent choice when buying. It appears that we would be putting the entire textile and apparel industry to a very considerable expense in complying with this labeling requirement without any corresponding benefit to consumers or to

the textile industry itself. Moreover, the cost of enforcing and administering such a law would undoubtedly be considerable.

I am advised that both cotton and synthetic fabric manufacturers, converters, and makers of wearing apparel from such fabrics are opposed to the burden which this bill would place upon them. As you undoubtedly know, textiles and textile products represent the third largest industry in our country.

I would ask you and your committee kindly to give careful consideration to the reasons which I have outlined before reaching a decision with regard to this bill. It occurs to me that a possible compromise would be to have the bill require a manufacturer to label an article truthfully as to its fiber content if he made any statement as to fiber content at all, but that otherwise he should not be required to label every article to show its percentage of fiber content.

Sincerely yours,

IRVING M. IVES.

AMERICAN IMPORTERS OF JAPANESE TEXTILES, INC.,
New York, N. Y., February 25, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Senate Office Building,
Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is written to present our views for the record on H. R. 469, an act to protect producers and consumers against misbranding and false advertising of the fiber content of textile products, and for other purposes, which is currently the subject of hearings before your committee.

INTEREST

To explain our interest, the American Importers of Japanese Textiles, Inc., is a membership organization, composed of domestic corporations, partnerships the majority of whose members are citizens, and individual citizens who have a concern in the importation of textiles from Japan, incorporated under the laws of the State of New York. Our members handle approximately 70 percent of the Japanese textile products imported into the United States.

SUPPORT IN PRINCIPLE

While we support in principle legislation requiring honesty in the identification and the advertising of the fiber content of textile articles, we are aware of the many difficulties in drafting an effective statute that truly serves the ultimate consumer and the public interest. There is, for example, the question of the relative merits of different grades and qualities of the same fiber, as against different fibers. There is the problem raised by methods of fabrication and construction. There is the matter of the number of ever-increasing manmade fibers, with new and sometimes confusing and possibly misleading trade names. There are, of course, many other aspects familiar to your committee, too numerous to detail here, that need to be explored.

QUESTIONABLE SECTION

As importers of textile items, however, our primary concern with the instant bill, H. R. 469, is with section 4 (b) (4), which provides that "a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification * * * is not on or affixed to the product showing in words and figures plainly legible * * *. If it is an imported textile fiber product the name of the country where processed or manufactured." This is the so-called country of origin provision.

Taken alone, this paragraph seems innocuous enough. But, examined in the light of the other paragraphs in the bill and its possible implications, we urge serious examination of its consequences.

COUNTRY OF ORIGIN

To begin with, the country of origin has nothing to do with "misbranding and false advertising of the fiber content of textile fiber products."

The stated objectives of this legislation apply equally to domestic and foreign textile products. To require additional labeling of imports only when such iden-

tification is not relevant to the subject of misleading fiber content smacks of an effort to impose an extra burden on imports and thereby to discourage foreign articles.

If this paragraph is intended to restrict or limit imports indirectly, it should so clearly state in order that it may be considered on its merits, rather than incidentally and under possible misunderstanding.

Because the purposes of the bill, at least ostensibly, are not to hamper international commerce, we shall not go into the advantages of increased trade as our national policy, except to summarize that such trade adds to our collective and mutual security, increasing the ability of friendly nations not only to defend themselves more adequately against the economic and military inroads of communism but also to purchase more of our exports, and, dollars and cents wise, is a "good bargain" for the United States in that we sell considerably more than we buy in world markets.

AMBIGUOUS SECTION

Moreover, this paragraph is ambiguous and a reading of the report (to accompany H. R. 469) of the House Committee on Interstate and Foreign Commerce (No. 986) and of the House floor debate in the Congressional Record for August 14, 1957 (pp. 13435-13450) does not clearly specify exactly what is intended.

It could mean, when taken with other provisions of the bill, that the various countries which process or manufacture the imported textile must each be designated on some label.

Let us suppose that the United States sells the raw fiber, in this case cotton, to Japan. Japan processes it into yarn and exports it to Hong Kong. Hong Kong makes it into fabrics and sends it to Great Britain. Great Britain converts it into shirtings and ships it to the United States. The United States uses this shirting in the manufacture of dress shirts.

Under H. R. 469, are each of the countries involved in this multiple but not uncommon arrangement required to list not only the name of the nation involved but also what share it contributed to the ultimate product? May each country use the lettering on the requisite label and determine the size and shape of its label to its own satisfaction, or must there be some uniformity regarding lettering, size, and placement of the labels? Which nation is responsible that every participating country has its label in order?

This type of country-of-origin labeling, if correctly interpreted, would certainly discourage the importation of yarns and fabrics to this country for processing or manufacturing, with resulting consequences to mills and factories engaged in these activities and to their workers.

TARIFF ACT STANDARD

In addition, it should be pointed out that section 304 of the Tariff Act of 1930 provides a standard for the marking of the country of origin, which over the years has come to be accepted and understood by both the consumers and the industries involved. A multiple listing such as may be contemplated by this legislation under certain circumstances may cause the consumers to become more confused than ever, for one rule applies to textile imports and another to all other imported items.

More simply stated, H. R. 469 distinguishes between all textile imports, except wool, and all other manufactured products and discriminates against textiles by requiring a more burdensome identification system than against other manufactured or processed imports.

WOOL PRODUCTS LABELING ACT

Along this line, it is noteworthy that the Wool Products Labeling Act of 1930 accepts the Tariff Act standard for determining the country of origin. H. R. 469 exempts wool textile products from its provisions, although wool is one of the basic and more popular natural fibers used in textiles. It also establishes an entirely different and more complicated criteria for other textile fiber items. Thus, it clearly discriminates as against fibers and particularly against cotton, silk, and synthetics in the import trade.

Simplicity, uniformity, and consistency in the identification of country of origin of all textile fiber products, instead of confusion, multiplicity, and lengthiness, we believe, would better provide the necessary safeguards for the producers and consumers of textile fiber products.

TREATIES VIOLATED

H. R. 469 is patently discriminatory in its requirements regarding country of origin. It is discriminatory in relation to all other manufactured imports. It is discriminatory in relation to wool textile imports.

More importantly, though, domestic articles enjoy a favored status over imported textiles in that "100 percent United States products" are not required to note the fact that they were manufactured in this country. Neither need detailed records be kept for 3 years on every transaction.

Moreover, if only domestic materials are used, this need not be noted, whereas every raw material, yarn, and fabric imported into this country and used in processing or manufacturing must be specifically designated.

In addition to this extra identification, domestic processors and manufacturers are required to establish and maintain more detailed and voluminous records. Where violations of this country-of-origin paragraph occur, these American processors and manufacturers are subjected to more serious penalties than if they purchased only United States raw materials, yarns, and fabrics that also violate the provisions of this proposed statute.

The State Department, in its review of the original bill, raises the constitutional and international law questions of whether this discriminatory treatment of goods imported from foreign countries violates the treaties of friendship, commerce, and navigation which we have undertaken with many nations, by and with the consent of the Senate, that assures treatment no less favorable than like articles of national origin in respect of all laws, etc., to products imported into this country.

The House-approved amendment, which is the language in the bill currently before your committee, does not, in our opinion, materially or substantially change the validity of the Department's objection to this paragraph that is our present concern.

DANGEROUS PRECEDENT

As the State Department concludes its review of this bill, "In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469 (sec. 4 (b) (4)), there appears to be a more general problem posed by the effect of such regulations upon the broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American-manufactured products, constituent parts of which are imported—and once applied to textile-fiber products a precedent will have been established—marking requirements would become so onerous as to impede seriously the use of imported materials in any products manufactured within the United States."

SUMMARY

We, the American Importers of Japanese Textiles, Inc., respectfully urge that section 4 (b) (4) be deleted from H. R. 469 by your Senate committee and the common, accepted standard of country of origin of the Tariff Act be substituted therefor, if favorable action is taken on this measure.

Such action would eliminate the discriminations against imported textile products as against woollens and other imported articles, remove the possibilities of establishing a dangerous precedent that might endanger our international trade and relations, and implement the basic purposes of this proposed legislation which is "to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products," and not to set up new and confusing standards relating to country of origin.

Respectfully submitted.

MIKE M. MASAOKA, *Washington Representative.*

PACIFIC IRON & METAL Co.,
Seattle, Wash., February 17, 1958.

Senator WARREN MAGNUSON,
Washington, D. C.

DEAR SENATOR MAGNUSON: I am calling your attention to H. R. 469 which has passed the House of Representatives and is now before the Senate Interstate and Foreign Commerce Commission, of which you are a member.

This bill is of great importance to the waste materials industry and particularly to the textile segments of that industry.

We basically favor passage of H. R. 469 as it now reads. However, we understand that certain synthetic producers plan to suggest an amendment stigmatizing synthetic fibers handled by the industry.

We urge you to resist any attempts to include such an amendment to H. R. 469.

We would appreciate your advising us in regard to this matter.

Yours very truly,

EARLE GLANT.

WASHINGTON WOOL GROWERS ASSOCIATION,
Ellensburg, Wash., February 8, 1958.

Senator WARREN G. MAGNUSON,
*Senate Office Building,
 Washington, D. C.*

DEAR SENATOR WARREN G. MAGNUSON: We understand that a subcommittee of the Senate Interstate and Foreign Commerce Committee will hold hearings on H. R. 469, the textile fiber labeling bill, which has already been passed by the House.

The National Wool Growers Association with which we are affiliated supported H. R. 469 in the form it was passed by the House. Our reason for supporting the bill in this form is that it leaves our Wool Products Labeling Act intact. The Wool Products Labeling Act has been benefiting the consuming public as well as the wool industry for the past 18 years. It was enacted after many years of effort on the part of our industry to secure truth-in-fabrics legislation.

One of the most important features of the Wool Products Labeling Act is that it requires a product containing reused or reprocessed wool to be so labeled for the protection of the consuming public. Reused wool fabrics are made from old wool rags and other used wool products, which are ground up and re woven. Laboratory tests have proven that wool fibers are damaged in this process and that consequently they are inferior and have considerable less wearing qualities than fabrics made of new wool.

Certain interests worked extremely hard when this bill was being considered in the House to have the Wool Products Labeling Act stricken and to have any wool in a product labeled simply as "wool." I am sure you can see where repeal of the Wool Products Labeling Act would not only reduce the use of new wool, to the detriment of the sheep industry, but would also deceive the public into thinking they were getting a product containing new wool. Then after inferior service of products containing reused and reprocessed wool, the public could easily become alienated to wool as a serviceable quality fiber.

We have no objections to any other amendment to this bill that your committee may see fit to make as long as the Wool Products Labeling Act is left intact. I know that our National Wool Growers Association will wish to testify in this regard when hearings are held on this legislation.

We will greatly appreciate your assistance and consideration.

Sincerely,

PHIL KERN, *Secretary.*

NATIONAL ASSOCIATION OF FURNITURE MANUFACTURERS, INC.,
Chicago, Ill., February 18, 1958.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
 United States Senate, Washington, D. C.*

DEAR SENATOR: We greatly appreciate your telegram advising us of the opportunity to testify on H. R. 469, on Tuesday, February 25.

After going over H. R. 469 in very careful detail, we are reasonably satisfied with the exemption granted the furniture industry on page 17, line 17, "No. 2. Outer coverings of furniture."

If it were at all practical, we would urge that your committee make a technical amendment to this exemption so as to clarify it and avoid any unnecessary questions or controversy at some time in the future.

We would recommend that the exemption on line 17 read as follows: "No. 2. Outer Coverings on Furniture and Upholsteries."

In view of this minor change, we do not feel we would be justified in taking up the time of either yourself or your committee in order to make this point. We believe its validity is completely obvious and feel sure that your committee will recognize that we are making this suggestion merely to make certain the final legislation is completely clear.

Thank you again for your thoughtfulness in informing me of the hearing.

Sincerely,

JOHN M. SNOW, *Executive Vice President.*

NORTHWEST FURNITURE MANUFACTURERS' ASSOCIATION,
Seattle, Wash., February 17, 1958.

HON. WARREN MAGNUSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR MAGNUSON: The members of this association, especially those who manufacture bedding, are opposed to H. R. 469, the Textile Fiber Products Identification Act, only so far as it affects bedding and upholstered furniture.

The laws of the States in the Pacific Northwest regulating the manufacture of bedding and bedding products certainly protect the consumer, and we believe it is an overlapping of laws if the Federal Government passes H. R. 469.

We would have no objection to the passage of H. R. 469 if it eliminated bedding and upholstered products.

Very truly yours,

FRANK B. DEUSTER, *Executive Secretary.*

BERNHARDT FURNITURE CO., *Lenoir, N. C., April 4, 1957.*

Senator SAM ERVIN,
Senate Office Building, Washington, D. C.

DEAR SAM: This letter is in reference to H. R. 469, H. R. 5605, and S. 1616, which deal with identification labeling of textile-fiber products.

There may be certain industries and products where circumstances are such as to make this legislation necessary, desirable, and practical. We are not qualified to comment on other industries and products but insofar as our own business and that of similar furniture factories is concerned, we do feel that we are qualified to say that the proposed legislation is neither necessary nor is it practical to comply with. We respectfully request that a thorough investigation be made as regards the application of this legislation to the dining room furniture industry and after having done so we feel sure that we will be found justified in the request that said industry be exempt from such regulation.

For your information we are enclosing a photograph of a typical dining room group produced by our company. It is also typical of dining room chairs produced by other companies in our industry. The use of fabrics by a factory of our kind is limited to covering the "slip seat" on such chair.

We can think of no reason why it would be in the public interest to identify the textile fibers used for this purpose. Furthermore, the nature of our operations is such that we do not see how we could accomplish what would be necessary to do in order to comply with these regulations. In a business of our kind it is customary and necessary to use in small quantities for short periods of time, a countless number of different fabrics. Frequently, a few yards of 1 fabric are used on 1 particular order and are never used again. We would have to have hundreds of different labels, many of which would be applicable to only a few pieces of furniture. We have no knowledge of textile fibers and we would necessarily have to depend upon the fabric supplier to furnish appropriate labels. This might be possible to achieve if we could use a limited number of fabrics whose use could be continued over a period of weeks or months, but this is not the case.

In an operation of our kind the circumstances mentioned above are very complex and we cannot cover the details within the scope of a letter on the subject. Therefore; we trust that this matter will be thoroughly investigated prior to

the passage of such legislation. Investigation will reveal that businesses of our type should not be placed under the proposed regulations.

With kind personal regards, we are

Sincerely yours,

JOHN C. BERNHARDT, *President.*

(The above-mentioned enclosure is available in committee files.)

NATIONAL COTTON COMPRESS AND COTTON WAREHOUSE ASSOCIATION.

Memphis, Tenn., February 20, 1958.

Re H. R. 469, S. 1616, proposed Textile Labeling Act.

Hon. WARREN G. MAGNUSON,

*Chairman Senate Committee on Interstate and Foreign Commerce,
Washington, D. C.*

DEAR SENATOR MAGNUSON: This association, through its legislation committee, its board of directors, and its membership, in annual meeting assembled, May 3, 1957, in New Orleans, has unanimously endorsed the provisions of H. R. 469 requiring that advertisements of textile products, when they mention the fiber used, and that the labels on all textile products, clearly state the percentage of each fiber (other than wool, which is covered by the Wool Labeling Act) contained in the product.

We respectfully urge that this bill be favorably reported by your committee.

We do not request time for an appearance in the public hearing because such testimony as we would present would be cumulative with respect to that introduced by the National Cotton Council of America. We do request that this letter be made part of the record.

Sincerely yours,

JOHN H. TODD, *Executive Vice President.*

THE THREAD INSTITUTE, INC.,
New York, N. Y., February 20, 1958.

Re Hearing on H. R. 469

Hon. WARREN G. MAGNUSON,

*Senate Interstate and Foreign Commerce Subcommittee on Interstate
Commerce, Senate Office Building, Washington, D. C.*

DEAR SIR: This statement is submitted by the Thread Institute on behalf of the thread industry, presenting its views with respect to H. R. 469.

The thread-manufacturing industry at present is composed of approximately 100 concerns whose plants are located mainly in small towns in 20 States. The Thread Institute is the organized trade association of thread manufacturers in the United States and its 56 member companies represent over 90 percent of the entire production of the thread industry.

At the outset may be say that the thread industry is in accord with the stated purposes of H. R. 469. For over 40 years the thread industry has been in the forefront in favoring informative labeling and in sponsoring thread making legislation for the protection of the purchasing public. In fact, one of the main purposes of the Thread Institute is to foster correct labeling as to quantity and quality and close adherence to all Federal and State laws and regulations dealing with informative labeling.

However, we do not believe that H. R. 469 is intended to cover the textile products of the thread industry. Sewing thread is in fact specifically exempted from the provisions of H. R. 469, but with some qualifications mentioned in section 12 (a) to which we will refer again hereinafter. We feel that all threads, both sewing threads and handicraft threads should be unequivocally exempted from H. R. 469 for the following reasons and considerations:

THREAD INDUSTRY PRODUCTS

The thread industry has two distinct branches, namely, domestic or household threads, and industrial or manufacturers' threads. The designation "domestic" threads is an established trade term covering all the products sold through the retail dealer to the ultimate consumer for hand or machine sewing and art needlecraft. The products of the industry are classified in two groups: (a) sewing threads for both household and industrial uses, and (b) handicraft threads for household uses.

All these threads are grouped together as being subject to the same weight and measure provisions in the various State laws relating to thread, as well as in the textile section of the model law on weights and measures approved by the National Conference on Weights and Measures in Washington, D. C., which is sponsored by the National Bureau of Standards. The United States census of manufactures groups all types of threads, both sewing and handicraft threads, into one class—standard industrial classification, code 2223.

The thread institute's statistical survey for 1957 indicated over 68 million pounds of thread of all kinds were sold in the United States, of which approximately 88 percent were sewing threads and 12 percent handicraft threads. Of all the threads sold, about 96 percent are made of cotton and only about 4 percent are made from fibers other than cotton.

YARNS AND FABRICS

The term "fabric" is defined in H. R. 469 as "any material woven, knitted, felted, or otherwise produced from *** any *** yarn."

Obviously no product of the thread industry can be called a fabric as defined in the bill.

The term "yarn" is defined as "a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric."

SEWING THREADS

Sewing thread, as sold in the thread industry, consists of a smooth, evenly spun, hard-twisted or braided, ply or cable yarn treated by special processes to make it resistant to abrasion in its passage through material in stitching operations, and used to join two or more materials together. Webster's New International Dictionary defines to sew: "to unite or fasten by stitches made with a flexible thread or filament ***."

It is apparent that the term "yarn" as defined in the bill does not include sewing thread. Sewing thread is not used to fabricate a fabric, but rather it is used in joining two or more fabrics or other materials together.

Sewing threads are all made entirely of a single fiber, such as all cotton, silk, linen, rayon, nylon, Dacron sewing threads. In all industrially fabricated garments and textile articles, the sewing thread used represents a very insignificant part, and would not affect the labeling of the fiber content of textile articles into which it is sewn.

HANDICRAFT THREADS

Handicraft threads, as sold in the thread industry, consist of specially finished, plied, soft-twisted yarns used for darning, mending, crocheting, tatting, embroidering, handknitting, and for other art needlecraft uses.

These handicraft threads are used by the consumer personally to make household articles, such as doilies and accessories, and personal articles such as scarves, collars, belts, pot holders, dolls, and other novelty toys, et cetera, and to create decorative effects for personal uses.

These threads are not used or intended to be used for fabricating into a fabric, in the commercial sense, as are the yarns as defined in H. R. 469.

EFFECT OF THE PROVISIONS OF H. R. 469 ON PRODUCTS OF THE THREAD INDUSTRY

Section 4 (b) of H. R. 469 provides, among other things, that all textile fiber products must be labeled with the constituent fiber or fibers in the order of predominance by weight, and the percentage of each fiber present of 5 percent or more, as well as the name or other identification (issued and registered by the Federal Trade Commission) of the manufacturer or other person subject to the act. This means that even a thread product made of a single fiber must be marked with the percentage of fiber content, such as for example, "100 percent cotton," "100 percent nylon," et cetera.

It appears to us that when a textile product consists of only a single fiber, it is not necessary, and it should not be required, to give the percentage (100 percent), but it should be sufficient merely to state the generic name of the fiber. If, for example, a textile product consists of only rayon or cotton, it would be a complete and accurate representation and disclosure, and adequate protection to the purchaser, if the product is labeled "rayon," or "cotton," respectively, without the added superfluous statement of "100 percent."

The rayon rules and silk rules promulgated by the Federal Trade Commission in 1937 and 1938, respectively, prescribe the labeling of the generic name of the fiber only when it comprises 100 percent; and these requirements have been found satisfactory over the past 20 years. Many textile products consisting of only a single fiber, such as rayon, silk, cotton, nylon, Orlon, etc., today and for many years past, have been labeled with the generic name of the respective fiber, and it would be an unnecessary burden and expense (which usually is ultimately borne by the purchaser) to furnish the additional protection. In order to comply with the requirement of "100 percent," it would necessitate the making of new dies and the printing of new labels, which would cost many hundreds of thousands of dollars, which could be well invested in more purposeful ways.

Section 4 (c) of H. R. 469 requires in effect that any statement made in any written advertisement with respect to the fiber content of a textile fiber product must contain the same information as that specified in section 4 (b).

We believe that H. R. 469 is not intended to cover the products of the thread industry. As a matter of fact, section 12 (a) in paragraph (7) exempts "sewing thread." But for reasons not clear to us, section 12 (a) further provides that the exemption for sewing thread, paragraph (7), "shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification, covered by section 4 of this Act."

Sewing thread today, as already stated, is made of single fibers, i. e., all cotton or all nylon, or all silk thread, etc. When these thread products are advertised in publications or on display materials, or are sold or offered for sale, the textile fibers of which they are made are naturally described or identified either by a brand name or by a statement that the thread is a cotton thread, nylon thread, silk thread, etc. But it would appear from section 4 (c) that merely identifying such thread products as to the different types of fibers will remove the exemption provided by section 12 (a). We do not believe such restriction was intended by the bill for sewing thread, as it would prohibit the ordinary advertising of the generic name of the single fiber in a thread product on pain of losing the exemption, and it would thus have the effect of nullifying the exemption of sewing thread.

Paragraph (7), relating to "sewing thread," should therefore be deleted in the qualifying statement in subsection 12 (a) following paragraph (11).

PURPOSES OF H. R. 469

As stated in the bill, its purposes are "to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products * * *." Section 2 of the bill sets forth the textile fiber products intended to be covered, i. e., yarns and fabrics "used or intended for use in household textile articles, such as wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings, beddings, and other household textile goods." Is it not apparent that it is the yarns and fabrics manufactured or intended to be manufactured into the above-stated end uses that are to be covered by this bill? It is in the manufacture of fabrics and the specified end products industrially made therefrom that informative labeling of fiber content can serve a useful purpose. It is in this area in recent years that the market has seen numerous blends of materials and mixed fibers, in which there may be need for further informative labeling, not already covered by law.

No need of labeling fiber content of thread products:

We do not believe it is the intention of the proponents of this bill to cover the products of the thread industry just as it appears from the context of the bill that other textile fiber products are intended to be excluded from the provisions of this act. Because of the considerations heretofore cited, we submit that it is not necessary to label the products of the thread industry with the textile fiber content for the protection of the ultimate consumer.

Furthermore, since sewing and handcraft threads are of such a highly specialized nature and serve so many different purposes, depending upon the kind of fabrics and end-uses to which they may be applied, it necessitates the production of well over 100,000 different types of threads in various sizes, finishes, constructions, colors, and put-ups, such as spools, tubes, cones, bobbins, balls, skeins, etc., and in various yardages and weights. To comply with all the provisions of H. R. 469 would mean the complete revision by all members of the thread industry of the labeling and the replacement of the supply of labels, wrappers, containers and display material, involving also the purchase of thousands of new

dies, all of which would call for an additional investment of many hundred thousand dollars. Ordinarily such increased production costs are ultimately borne by the consumer. As there does not seem to be any public need for the labeling of thread products with the textile fiber content, the incurring of the above-mentioned expense would be an unnecessary waste and financial burden both to the manufacturer and the ultimate consumer.

RECOMMENDATIONS

For all the reasons set forth above, we therefore urge that—

(1) Section 4 (b) (2) be amended by inserting (on line 17), after the words "the percentage," the words "unless the textile fiber product consists of only a single constituent fiber; and

(2) Both sewing and handicraft threads be exempted from the provisions of H. R. 469 by amending paragraph (7) in section 12 (a) to read "sewing and handicraft threads," and by deleting reference to paragraph (7) in section 12 (a), following paragraph (11).

Respectfully submitted.

DAVID SNYDER, *Executive Director.*

STATEMENT OF SIDNEY S. KORZENIK, EXECUTIVE DIRECTOR AND COUNCIL, NATIONAL KNITTED OUTERWEAR ASSOCIATION

This statement is offered in behalf of the National Knitted Outerwear Association, whose nearly 650 members are engaged in the production of knitted outer apparel and swimwear in all parts of the country. We are opposed to the labeling bill now before your committee passing the House as H. R. 469.

The issue presented by this legislative proposal is not whether the American consumer should be given information concerning the textile and apparel products he buys. The desirability of furnishing the essential information is not disputed. The real issue is whether the disclosure that this bill would make mandatory has true value commensurate with the price to be paid. The issue is whether in the name of consumer protection a group of special interests should be permitted, through the guise of a labeling bill, to impose on others costly and burdensome labeling requirements which in the end will be of relatively slight and insignificant benefit to the consumer. Is the information required to be disclosed under this proposal so vital that its declaration should be required under pain of criminal penalties? In a word, should manufacturers of textiles and apparel be forced to spend millions of dollars annually so that those who devised this proposal might be favored with the repetitive mention of cotton a million times daily to consumers throughout the country on garment labels and in advertising, when it would hardly serve the interests of anyone to do so except of the cotton sponsors themselves? These are the basic questions.

The manufacturers in our association are themselves the consumers of virtually every textile fiber in common use today. In fabricating their products they use considerable quantities of cotton and of wool, and some small quantities of silk. Among the synthetics, they consume rayon, acetate, nylon, and more than any other, they use Orlon acrylic fiber. They use a wider range of fibers than most apparel industries, and most of their products are today labeled, even when no mandatory labeling requirements exist, to show the component fibers of the product where that information is significant.

But in many instances, other characteristics or features of the article are of greater significance than mere fiber content. To take but a single and presently important illustration, the increased use of modified filament nylon in sweaters presents a case in which the form and treatment of the fiber is demonstrably significant and conveys more information than mere statement of the fiber name itself. To require that these yarns or the garments made therefrom be labeled or advertised as "nylon" when their significant characteristics are not those of ordinary nylon is to miss the main point and to impose burdensome costs and legal penalties to make sure that it is missed.

The introduction of textured or modified filament yarns is, incidentally, a development which some textile men regard as among the most revolutionary to affect the industry. It is worth explaining because it serves to emphasize how much more important are the characteristics of a yarn or a fabric made therefrom which result from the treatment imparted to a fiber than are the

basic properties of the fiber itself. Briefly, it had always been deemed necessary in producing knitting yarns of synthetics to use fibers in staple lengths more or less comparable in dimension to the natural fibers, such as wool and cotton. Spinning fibers of such lengths produced a cover or fuzziness that was essential to a desirable knitted fabric.

Consequently, when synthetic fibers are first made by being extruded in continuous filament from the spinnerette, the filament would be cut into small pieces which would then be spun into yarn. Thus, the original filament, which was too lean, would, by converting it into staple and spinning the staple into yarn, take on a desirable fullness. But under the new methods for texturizing the filament by crimping, cutting filament into staple and spinning it are eliminated. The new product is as much nylon as was the old, and yet there is a world of difference between them.

The difference I speak of is not one of subjective evaluation. It is one on which there is some consumer testimony of a direct character pertinent here. The nylon sweater made of the spun fiber became significant in our industry in about 1950. At least, this type of sweater never had any sufficient significance before that year for any statistics to be gathered with respect thereto. But in 1950, the total number of women's and misses' sweaters made of spun nylon—there was no other type yet available—amounted to 858,000 dozen, according to the figures of the United States Bureau of Census. In 1951 and 1952 consumer interest rose somewhat and the total reached over 900,000 dozen. But the sweater had many undesirable characteristics which time and experience showed up. Consequently, this type of sweater declined sharply, and by 1954 all but disappeared completely. Such sweaters had proved unsatisfactory and the consumer lost interest.

But with the advent of texturized or modified filament nylon, many of the undesirable features were avoided and some new and particularly desirable qualities were added. The new type of nylon sweater first appeared about 1954. Its use has been consistently on the increase. It is expected that in 1958 1 out of every 4 or 5 women's sweaters will be made of modified nylon filament yarn.

Here, then, is a contrast between two sweaters, one of which was tried and found unsatisfactory; the other which has earned high popularity. Both under the bill would be necessarily described by the same label. Obviously, the value of the disclosure required under this bill would be nil. Nothing would be gained.

It is important to recognize how limited is the information whose disclosure can reasonably be required on a tag or label. Besides, whatever is required by law to be disclosed will necessarily imply the importance of the facts disclosed. Even in the absence of legislation, the purchaser commonly assumes that the information disclosed on a tag or label is information favorable or flattering to the article described, or the manufacturer would not stress it. To single out the inessentials in a situation like the case of the nylon sweaters mentioned above is impliedly to represent them to be more significant and important than they truly are. The effect of the labeling requirement in such a case is not truthful labeling, but a distortion. The concept at the root of the Wool Products Labeling Act, namely that the mere mentioning of component fiber names and percentages is the essential information to be disclosed is outmoded in the light of blending; or, if not altogether obsolete, is at least limited to the case of wool. Certainly it adds nothing to the consumer's knowledge of a fiber or a blend of fibers to give her their scientific names. The fault with this concept lies in the assumption that the consumer is sufficiently aware of the properties and characteristics of each in pure state or in blends to form her own valued judgments. The assumption is, of course, absurd.

There is evidence that consumer interests themselves are becoming increasingly aware of how inadequate is mere fiber identification in the labeling requirements that presently exist. Attention of the committee is called to the very different tone prevailing throughout the article on textile labeling that appeared in the November issue of the magazine, *What's New in Home Economics?* written by that publication's editor.

There fiber identification is referred to as "one of the earliest forms of textile labeling," but more significant is the importance attached to quality control, resistance to stains and soilage, nonpilling qualities, shrinkage control, color fastness, water repellency, fabric performance, laundry labeling, easy care, among others. On these matters all so much more important than the names of the fibers, is consumer attention coming to be increasingly fixed.

Bearing in mind that the amount of information that can be conveyed to the consumer on a tag or label is obviously limited, it is important that the salient qualities—those most essential for consumer notice and use, be stated. The chief trouble with the present bill is that it reflects little or no study of the essentials of textile and apparel labeling, and that if it is enacted, the difficulties of changing it will be immense, if not insuperable. Even changes to bring about simplification will be difficult, as we already know in our experience with the Wool Products Labeling Act.

Here in a field of consumer labeling where the objective should be to simplify requirements, we shall only be complicating it in setting up not one set of standards, but a second to that which already exists under the wool law.

If fiber identification is important, as the proponents of this bill assert, then it is indefensible that there should be two standards of fiber identification—one for cotton in mixtures where wool is present, and another for cotton where no wool is present.

We believe that competition today frequently brings about label disclosure of the most essential information, that that information is not always the same, but will depend to a great extent upon the type of product and the consumer interest with respect thereto.

We believe that the entire question of what constitutes essential information in textile and apparel labeling is in the process of the most radical revision—a revision which many believe should lead to a creation of a shorthand group of symbols or statements to embrace in a simple way the chief facts about a garment that its purchaser should know. The problem is one which deserves far more study than is evidenced by the present proposal.

This bill will lay heavy burdens and expenses on garment manufacturers. Objectionable as this is, garment manufacturers will not oppose it if the expenses were to serve a better purpose than is here apparent. They will resent mandatory labeling, criminal penalties, and omission of the essential and sound disclosure where the proposal was inspired and designed as a publicity device to the cotton interests.

At the present, there is no critical situation in this field requiring the Congress to act at once. The public is adequately protected against misrepresentation under present law. It is respectfully requested that this legislation be rejected.

GREENVILLE, MISS., *February 24, 1958.*

Senator WARREN MAGNUSON,

*Chairman, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.:*

Delta Council representing 650,000 people of the Yazoo Mississippi Delta urges favorable consideration of S. 1616 to provide for labeling of textile products this protection needed by consumers who otherwise have no way of knowing when blends of synthetic fibers requiring special care are mixed with natural fibers.

B. F. SMITH,
Executive Vice President, Delta Council.

MEMPHIS, TENN.

Hon. WARREN G. MAGNUSON,

*Chairman, Interstate and Foreign Commerce,
Senate Office Building:*

The individual members of the American Cotton Shippers Association are actively engaged in the merchandising of United States produced cotton to domestic and foreign mills.

Our members recognize the urgent need for proper identification of cotton and other fibers in textile products and strongly endorse national legislation providing for such fiber identification.

We understand the Senate Committee on Interstate and Foreign Commerce expects to hold hearings next week on H. R. 469 which passed the House last session and on S. 1616 both of which we believe will be of great benefit to the producers and consumers of cotton by providing adequate fiber identification in textiles and protect manufacturers against unfair competition from products whose quality has been lowered by mixture of cotton with cheap fibers.

We respectfully request that this expression of our members' position be incorporated in the record of the hearing and we urge your committee's favorable consideration of H. R. 469 and S. 1616.

E. F. CREEMORE,
President, American Cotton Shippers Association.

DETROIT, MICH., *February 20, 1958.*

SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE:

We are a manufacturing company having some 2,500 employees with principal place of business in Detroit, Mich. We manufacture rug cushions and pads, among other items. We would appreciate your consideration of this important matter.

With regard to hearings on H. R. 469, earnestly request that bill be amended as necessary to make it clear that its provisions are not applicable to rug paddings. Rug paddings are made of many waste fiber materials, the kinds and amounts varying from time to time, and particular composition of no interest to consumers because rug paddings are produced for use under rugs and carpets solely to provide bulk and cushioning and to prevent skidding. They are not an integral part of the carpet and receive no direct wear. If not now exempt under section 12 (a) (4), the bill should be amended to exclude them.

ALLEN INDUSTRIES, INC.,
O. A. MARKUS,
Vice President-Treasurer.

MEMPHIS, TENN., *February 20, 1958.*

HON. WARREN MAGNUSON,
*Chairman, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.:*

The members of this association, representing the cotton shippers of Tennessee, Mississippi, and Louisiana, wish to advise you of our strong support of H. R. 469 and S. 1616, which are pending before your committee. We feel that such legislation as outlined in these two bills will be beneficial to the consumers of America by assuring them that they get what they pay for; it will help the fiber producers by assuring them that their fiber will be properly identified, and it will greatly aid the manufacturer by protecting him from unfair competition of products in which the quality has been lowered by blending of cheap fibers. We would appreciate your recording in the minutes of this hearing our members' wholehearted support of H. R. 469 and S. 1616.

J. E. BRERETON,
President, Southern Cotton Association.

LOS ANGELES, CALIF., *February 20, 1958.*

HON. WARREN MAGNUSON,
*Chairman, Senate Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.:*

With regard to hearings on H. R. 469, earnestly request that bill be amended as necessary to make clear that its provisions are not applicable to rug cushions and carpet linings. Rug cushions and carpet linings are made primarily of a blend of various waste or scrap materials of both domestic and foreign origin since such waste materials have no uniform specifications, the kinds and amounts in the blend are varied from time to time in order to produce a standard finished product. Disclosure of the fiber content is of no interest to nor protection for the ultimate consumer. Rug cushions and carpet linings receive no direct wear and are produced only for use under rugs or carpets as an accessory and are not an integral part thereof. Their sole function is to prolong the life of the rug or carpet and to provide a cushioning effect underfoot. If not now included under any of the other exemptions in section 12 (a) we request that the bill be amended to specifically include them.

I. R. ROTH,
President, Oreco Industries, Inc.

GRAND RAPIDS, MICH., *February 24, 1958.*

Re hearing February 25 on H. R. 469.

HAROLD BAYNTON,

*Chief Counsel, Senate Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.:*

We understand this bill, as passed by House, specifically excludes outer coverings of furniture. We wish to register our support of this exclusion and would recommend if necessary for clarification of intent that the word "upholsteries" be added to line 17, page 17.

F. W. DUNN,

Managing Director, Grand Rapids Furniture Manufacturers Association.

THE CHEMSTRAND CORP.,
New York, N. Y., February 28, 1958.

Re Textile Fiber Products Identification Act.

INTERSTATE AND FOREIGN COMMERCE COMMITTEE,
United States Senate, Washington, D. C.

GENTLEMEN: The Chemstrand Corp. has requested this opportunity to state the reasons why it believes that legislation requiring mandatory fiber content identification of the type embodied in the above-named act should be adopted. The bill under consideration by your committee makes it mandatory for producers, processors, and retailers of textile fiber products to identify the content of the textile fiber products which they sell. The Chemstrand Corp. believes that this type of legislation should be adopted for the same reasons that led Congress to adopt the Wool Product Labeling Act of 1939. This same kind of useful protection should be afforded to purchasers of synthetic fiber products that the wool products labeling act now provides for purchasers of textile products containing wool.

The Chemstrand Corp. manufactures nylon and an acrylic fiber known as Acrilan. As a basic manufacturer of synthetic fibers, it favors legislation which provides for accurate percentage content labeling of textile fiber products. Such legislation will provide purchasers with the kind of information which they need in order to make intelligent and informed purchasing judgment possible.

Acrilan, nylon, and other synthetic fibers have certain unique properties which are attributable exclusively to the fact that they are synthetic compositions. However, these fibers have become commercially useful and successful only because they have an additional property—the ability to be fashioned into fibers and fabrics which, from the point of view of the consumer, may be considered visually indistinguishable from natural fibers and fabrics. It is therefore difficult for the consumer to distinguish between them, and the problem of fiber content identification in textile fiber products is becoming an increasingly important problem. Since each of these fibers and fabrics has different performance and characteristics directly related to the fiber content of the fabric, it is essential that the consumer be given an opportunity to make an informed decision as to the kind and type of end product which he or she wishes to purchase. However, it is our judgment that performance labeling is neither feasible nor necessary, and we believe that the most satisfactory solution to this identification problem lies in the passage of mandatory fiber content identification legislation. This legislation should require producers, processors, and retailers accurately to disclose (1) the percentage content of the various fibers in the textile fiber product, and (2) the order of their predominance by weight.

The requirement of identification of the fibers in the product by percentage content will make it impossible for the purchaser to be misled as to which fiber predominates in the product. An identification requirement which merely insures the listing of the fibers in the product in order of their predominance by weight does not, in our judgment, disclose sufficient information to the purchaser to enable him or her to make an informed choice based upon an actual knowledge of the predominant fiber content of the product.

We believe that the majority of members of the textile industry are entitled to adequate protection against those few members of the industry who sometimes tend to mislead purchasers by representing a textile fiber product as something which it is not. Representations of this kind are damaging, not only to the reputation of the producers, but also to the reputations of the processors and retailers. We appreciate that representations of this sort can

often occur because of a lack of familiarity with some of the new fibers and fabrics which are appearing on the market in ever-increasing numbers. Such a lack of familiarity may cause one to be the unwitting purveyor of inaccurate information to the customer. Because the subject proposed legislation requires fiber content identification by the producer, the processor and the retailer, we believe that it will eliminate or at least minimize the occurrence of inaccurate representations, and that it will, therefore, benefit the entire textile industry, as well as the purchasing public.

In closing we should like to express our appreciation of this opportunity to present the views of the Chemstrand Corp. in support of the proposed Textile Fiber Products Identification Act.

Very truly yours,

W. G. LUTTGE, *Vice President.*

STATEMENT OF TEXTILE FIBRES INSTITUTE AND WOOL STOCK INSTITUTE
RE H. R. 469

This amended statement is submitted for incorporation in the written record in lieu of oral testimony which was to have been presented on February 25, 1958, by the following witnesses for Textile Fibres Institute: Edward L. Merrigan, of Weil, Gotshal & Manges, counsel for the institute; Mr. Morris L. Hirsh, executive vice president, Star Woolen Co., Cohoes, N. Y.; Mr. Samuel Lobsitz, president, Lobsitz Mills Co., Nutley, N. J.; Mr. Anthony R. Fischer, W. Lowenthal Co., Cohoes, N. Y., Rossville, Ga., and Rock Hill, S. C.; and Mr. William Barnet, William Barnet & Son, Albany, N. Y.; the latter four witnesses being officers of companies engaged in the manufacture and sale of processed textile fibers.

This group had planned to appear before the committee with regard to one specific phase of the overall problem, i. e., to express positive and irrevocable opposition to an amendment to H. R. 469 introduced before the House Subcommittee on Commerce and Finance by some of the large manmade fiber manufacturers.¹ This amendment would have required that textile products manufactured from fibers produced by the only American small-business competitors of the big fiber manufacturers be labeled and stigmatized "reprocessed" or "reused."

The House committee approved H. R. 469, but, of course, specifically rejected the last-mentioned oppressive amendment. The House, in turn, also passed H. R. 469, but again without these objectionable provisions.

As the record of oral testimony will indicate, just prior to the time at which our witnesses would have been called to testify, it became possible for us to announce to the committee jointly with representatives of the DuPont Co. (which had suggested the aforementioned defeated amendment in the House) that DuPont did not intend to purpose or support any such amendment before this committee or in later proceedings in the Senate. For all intents and purposes, this voluntary announcement seemed to eliminate the very serious problem which confronted our industry, so we agreed to waive oral testimony and submit, in lieu thereof, this written statement for the record. With the aforementioned amendment so eliminated, our group no longer opposes the adoption of H. R. 469, as passed by the House. We do, however, continue to feel that there is a great deal of merit to those arguments advanced in support of performance labeling and we would also like to support those witnesses who appeared before the committee and urged that the country-of-origin requirements of H. R. 469 be eliminated from any legislation which might finally be enacted. This latter provision seems to serve no useful or necessary purpose whatsoever, and we can see no reason for its inclusion.

The Textile Fibers Institute and Wool Stock Institute consist of approximately 200 American firms, all small businesses, located in various parts of the United States, and engaged in the manufacture and sale of processed wool and manmade textile fibers.

The processing of textile fibers is not a new process, nor is it an American innovation. The processing of wool fibers is believed to have been founded in England during the reign of Queen Elizabeth from 1533 to 1603. From England, the industry spread into Europe, and was finally established in the United

¹ See record of hearings before House subcommittee, pp. 158, 170, 171.

States sometime during the period of the Civil War. As an industry, the scientific processing of textile fibers can be compared to the resmelting of gold and other precious metals, scrap aluminum, steel, iron, and other used metals of all types—same to be reused again as first-class raw materials.

Contrary to the claims of the big fiber manufacturers, processed textile fibers are not inferior products. On the contrary, as Mr. Hirsh and Mr. Lobsitz will point out in their testimony, processed fibers are, in the great majority of cases, equal to their virgin wool or manmade fiber counterparts. Even the DuPont Co., under oath before the House committee, had to go a long way along the road to admitting this. Mr. Richard W. Trapnell, assistant director of merchandising, textile fibers department of the DuPont Co., testified, at page 158 of the House record:

"We do not mean to imply that reprocessed and reused fibers have no place in the market. They are satisfactory in some end uses, such as heavy woolen type fabrics, and may come close to giving the performance or virgin fiber."

Anyone remotely familiar with the textile business knows that, in this industry, competition among manufacturers and department store outlets to provide the consumer with quality merchandise at the lowest possible price is very intense. A manufacturer who sells inferior merchandise is soon out of business; and department stores, which day in and day out have to face the American consumer in all of his or her varying moods and degrees of temper, must sell quality goods at competitive prices. For years now, textile manufacturers and department stores throughout the United States have been making and selling, side by side, garments and merchandise consisting of 100 percent virgin wool or manmade fibers, and garments and merchandise containing blends of processed wool or manmade fibers. These are the people who know the trade. These are the people who must do business with the American consumer every day. What do these manufacturers and department stores have to say about these processed fiber goods, which in most instances, to the everlasting benefit of the American consumer, sell well below the prices necessarily charged for the so-called virgin fiber products?

The wool manufacturers council of the Northern Textile Association told the House committee, at page 231 of the record:

"The use of the terms 'reprocessed' and 'reused' unnecessarily stigmatizes good fabrics, leads to reduced sales and the diversion of part of the market to synthetic and other fabrics with glamorous names. This is contrary to the best interest of the entire wool industry, and, therefore, should not be continued."

Mr. Edwin Wilkinson, executive vice president of the National Association of Wool Manufacturers, testified that "the determination quantitatively and qualitatively of wool as against virgin, reprocessed, or reused wool, is impossible."² Then, the department stores of the United States appeared before the House committee through the National Retail Dry Goods Association, and they too testified that reprocessed wool and reprocessed nylon and Dacron were just as good as the so-called virgin fibers. The witness for NRDGA, Dr. Jules LaBarthe, administrative fellow in charge of the commodity standards fellowship at Mellon Institute in Pittsburgh, testified at pages 58, 59, 60 of the House record:

"Dr. LABARTHE. Reprocessed nylon would be just as good as nylon, if it is spun as carefully * * *

"Mr. BENNETT. What about other synthetics?

"Dr. LABARTHE. The only other one that I know of that is appearing in reused form at all is Dacron. Again, I do not know how you can distinguish between the two, the new and the reprocessed.

"So far as that is concerned you cannot even identify the two."

And, at page 60, Dr. LaBarthe testified:

"Some fabrics require reused wool in them. They are better nap fabrics for having some reused wool because that lends itself to napping better than the new wool does."

Hence, the representatives of the manufacturers and of the department stores—the two groups in the textile industry most directly concerned with and responsible to the American consumer—testified without qualification:

1. Processed nylon and Dacron are just as good as virgin nylon and Dacron;
2. Many grades of processed wool are even better than virgin wool; and

² See record of House hearings, p. 228.

3. It is impossible, even scientifically, to differentiate in finished textile products, between virgin fibers and those which have been properly processed.

And, of course, it is beyond dispute that products consisting of blended fibers, including processed fibers, can be sold at prices well below those which must be charged for products manufactured from virgin fibers alone. The Quartermaster Corps of the United States Army recognized long ago that it could purchase blankets for the troops with a blend of 35 percent processed wool and 65 percent virgin wool, which blankets would be of a quality equal to any 100-percent virgin wool blankets. And, by telephone last Thursday, Mr. Erwin O. Kruegel, Chief of the Research and Engineering Division of the Quartermaster Corps, told our counsel that over the first 3 or 4 years of use of the new blankets, the Quartermaster saved the American taxpayer many, many millions of dollars—perhaps as much as \$27 million.

It is with this factual background, that it was proposed before the House committee that H. R. 469 be amended to require that any textile product containing processed fibers in excess of 5 percent be labeled and stigmatized "re-processed" or "reused"—such labeling, of course, to imply that such textile product was somehow inferior to those products containing identical fibers, but produced by the big fiber manufacturers.

With this brief introduction, we would like now to present for the record testimony from our various industry witnesses, same having been revised to conform to the understanding that the oppressive amendment referred to hereinabove will not be presented in the Senate.

TESTIMONY OF MR. MORRIS L. HIRSH

My name is Morris L. Hirsh and I am the executive vice president of Star Woolen Co., Cohoes, N. Y. The Star Woolen Co. was founded in 1905 and has been continuously engaged in the fiber processing industry for the past 53 years. I was engaged by Star Woolen Co. in January 1935 as a chemist—later in sales and purchasing—and have now been with this company for a period of 23 years. I testify today on behalf of the Textile Fibers Institute. My purpose will be simply to present the facts regarding the American fiber processing industry: how it operates, what it produces, how many American citizens depend upon the industry for employment, and so forth.

Fiber processing is the art of reclaiming textile waste in such manner that the fibers so obtained may be respun into yarn, either by themselves or blended with other fibers. In the United States there are approximately 30 firms directly engaged in the fiber-processing industry. These firms have plants in a number of States with direct employment of approximately 4,000 workers. In addition, there are a sizable number of textile mills not primarily engaged in the processing industry, but which have fiber-processing equipment utilized by these mills to supply other divisions of the same company with processed fibers. In addition, there are at least 500 other firms, employing over 100,000 people throughout the United States, engaged in the collecting, accumulating, and sorting of materials consumed by the processing industry. Our processing industry, in turn, supplies fibers to the textile manufacturers who employ several hundreds of thousands of additional workers. Thus, the processing industry is an extremely important part of the textile industry and we are looked to, especially by the domestic woolen mills, to supply the fibers which enable them to maintain their competitive position in the industry. It is no exaggeration, therefore, to state that literally thousands of American textile workers look directly to our small industry for their livelihoods, while hundreds of thousands of others depend upon our fibers to keep their employers in operation, and in a competitive position with the manmade fiber manufacturers and the foreign producers of textile goods.

And, of course, the textile industry itself has been in such condition in the last several years that, in many instances, the use of our processed fibers, equal in quality to the new or virgin fibers, but substantially lower in price or cost to the manufacturers, have kept many textile mills, particularly woolen mills, in business. Finally, our fibers have made it possible for the consumer, caught between the squeeze of rising prices and the leveling off of incomes, to obtain garments, blankets, etc., equal in quality, durability, and appearance to the very best available garments of 100-percent virgin fibers, at prices far below those he would have had to pay for the other products.

Now, just how does our fiber-processing industry operate in order to bring these benefits to the textile trade, and to the American consumer? Do we cut

corners? Do we produce inferior products? Are we sacrificing quality to save costs? In the introductory portion of this statement, it was demonstrated that, before the House committee, even one of the big fiber manufacturers had to admit that our processed fibers are satisfactory in some end uses and that they come close to giving the performance of virgin fiber. It was demonstrated further that the manufacturer groups and the department-store witnesses also testified in the House that, in finished textile products, you cannot distinguish between the virgin and processed fibers, even scientifically.

These results do not just happen. Our industry for scores of years has diligently and scientifically advanced the art of garnetting (as fiber processing is known in the trade) to the point where our fiber products are competitive in every respect with the same grades of virgin fibers produced by the virgin-wool trade and the big manmade fiber producers. Let me tell you something about how we accomplish this:

First, of all, our processing industry obtains its raw materials from two main sources: (1) Producer waste, and (2) trade waste. "Producer waste" is simply yarn waste formed at various stages in the production of yarn. The Du Pont Co., for example, develops waste as it produces nylon and the like, and these brand new waste materials are sold by Du Pont for use in our industry. "Trade waste," on the other hand, is the name given to all waste on the market other than yarn waste obtained from the original producer of fibers. This is available in the form of yarn or thread waste produced in the spinning, knitting, or weaving operations at the various mills, and in the form of pieces of fabrics or cuttings, either woven or knitted, produced when layers of fabrics are cut on patterns. Finally, it is possible to recover fibers from certain textile products which have been used, even by the consumer, if same have not been subjected to damage or excessive wear during such use.

The art of fiber processing is based directly upon the skillful application of machinery to textile waste in such manner as to enable the recovered first-class fibers to be used in spinning yarns directly competitive with those produced from fibers obtained from the big fiber manufacturers or from the virgin wool trade. To develop this art to its highest form, our industry has spent huge sums of money perfecting massive machinery, with precision movements. The average garnetter in our industry has a machinery investment of no less than \$500,000; and many, of course, have a good deal more money tied up in machinery and equipment.

Nothing could be farther from the truth than the concept of garnetting as a process of tearing-up cloth into short lengths of fiber, as some of our competitors viciously alleged before the House committee. On the contrary, garnetting carefully eases open the raw material to retain staple and to avoid any damage to the fibers. This is accomplished by carefully controlled chemical and mechanical treatment of the raw material through a series of finely adjusted preparatory equipment and then finally through the garnett machines themselves. These are massive machines, 25 to 30 feet long, 5 feet wide, with 40 or more metallic clothed rolls as carefully tuned and adjusted as a fine watch to gently pry the fibers apart. The success of the average garnetter today in preserving staple length is attested to by the fact that most of our customers request that our processed manmade fibers be cut down to 2 or 3 inches, because, by reason of our processing, our fibers are much longer than the virgin wool fibers with which they are customarily blended.

Thus, through these scientific processes, developed over a long period of years, and through huge investments in the most modern machinery and equipment, our industry has been able, over the years, to develop and produce processed fibers which, in the finished product, are just as good and cannot be identified from their virgin counterparts.

I am sure this committee recognizes that the Quartermaster Department of the Armed Forces absolutely insists upon the maintenance of extremely high standards of performance for all articles of supply procured for our men in uniform. Before specifications are drawn up, exhaustive tests are conducted under extreme conditions of every type, which might be encountered in various theaters of operation. I have here before me excerpts from actual advertisements for bids wherein, in January 1955, the Quartermaster Corps advertised to purchase 61,571 blankets to consist of 65 percent wool and 35 percent reprocessed or reused wool. On March 1, 1957, 164,846 blankets were procured, to consist again of 35 percent reprocessed or reused wool. On April 3, 1957, another 538,338 blankets were ordered by quartermaster with the same fiber content: Identical specifications have appeared for all purchases since.

As indicated in the introductory portion of this statement, these quarter-master purchases of blankets of a quality identical to a blanket of all virgin wool, saved the Army, and we, the taxpayers, \$27 million during just the beginning of the purchases in the early 1950's.

Now, I thought the committee might want to know just briefly what happens to our processed fibers after we sell them. Usually, the processed fibers are used by those mills which produce yarn on the woolen system of spinning—almost never by the worsted system, and rarely, if ever, by mills employing the cotton system of spinning. This is because processed fibers more closely approximate wool than cotton, and are therefore ideally suited for spinning on the woolen system. Consequently, processed fibers are not found in such articles as ladies' blouses, lingerie, or underwear, men's dress shirts, worsted suits, etc. These fibers, in the main, are used in outerwear garments, such as children's snowsuits, boys' and men's sport jackets, overcoats and topcoats, sweaters, etc. They are also used extensively in blankets, felts, carpets, and other home furnishings.

In conclusion, I would like to state that during the past decade, manmade fibers have entered the textile industry—and in the early stages several were heralded as the miracle fibers. In each case, attempts have been made to use each 100 percent in a wide variety of fabrics. In the enthusiasm for these new fabrics, many fabrics were produced that were totally unsuited for the end products in which they were used. Only in the past few years has the textile industry recognized the fact that there is no perfect, all-inclusive fiber. Each fiber, whether it be natural or manmade, has its advantages as well as its disadvantages and for most applications the best fabrics are those made with a blend of two or more fibers, utilizing and enlarging upon the good properties of each and minimizing their unfavorable characteristics—in short, "engineered fabrics," engineered to best perform in the end product sought. In these blends, processed fibers have played a very important role by permitting high quality fabrics to be produced at lower prices—all to the benefit of the manufacturer, the department store outlets, and the American consumer. It would be catastrophic indeed if these blended "engineered fabrics" of modern America had to be stigmatized "reprocessed" or "reused" simply because competing manufacturers and other special interest groups would like to see it otherwise for their own selfish purposes.

I now request permission to call upon Mr. Samuel Lobsitz of Nutley, N. J., our second industry witness, who will seek to prove to the committee that it is impossible, in finished textile products, to distinguish, even scientifically, between the so-called virgin fibers and processed fibers.

TESTIMONY OF MR. SAMUEL LOBSITZ

My name is Samuel Lobsitz. I am the president of Lobsitz Mills Co. of Nutley, N. J., and I appear also on behalf of R. H. Lindsay Co., of Boston, Mass. My company in New Jersey has engaged in the fiber-processing business since 1890. Our mills handle not only processed fibers, but we also sell virgin wool and virgin rayon and nylon in some of our blends. We are members of the Boston Wool Trade Association, and by reason of the broad range of fibers, virgin and processed, which we handle; and because of our experience in this industry since 1890, I honestly believe that I can fairly and accurately assure this committee that it is impossible, in finished textile products, to distinguish between properly processed textile fibers and the so-called virgin fibers.

As Mr. Hirsh told you, our industry necessarily goes to extreme lengths to assure that processed fibers are carefully and scientifically treated, processed, blended, cleaned, combed, etc., to produce the finest possible fiber product to compete directly with the virgin production. In the larger percentage of cases, our industry handles now fiber material, i. e. material which has never been used in consumer products. This material comes from Du Pont itself or other producer sources. It might also come, as Mr. Hirsh explained, from manufacturer clippings or other preconsumer sources.

It is our business in this industry to take this new material and through scientific processes developed over a long period of years, transform same into high-caliber textile fibers. In the great majority of cases, these processed fibers are blended by manufacturers with other so-called virgin fibers to produce textile cloth and garments equal in quality, strength, and wearability with their cloth or garment counterparts of 100-percent virgin fiber content—and of

course, in order to maintain consumer demands, the products containing our fibers must always remain directly competitive in every respect with these so-called virgin products.

In the introductory portion of this statement, we told you that the National Association of Wool manufacturers, the Wool Manufacturers Council of the Northern Textile Association, and the National Retail Dry Goods Association all testified before the House committee that it is impossible, in finished products, to distinguish between virgin and processed fibers. Mr. Wilkinson, representing the Wool Manufacturers Association, stated that it was impossible in the finished goods to distinguish quantitatively or qualitatively between virgin, processed, and reused wool, even scientifically. Competitors of ours, on the other hand, simultaneously come before the committees of Congress, and always seek to make you believe that processed fibers are somehow inferior; and they always hint, without tangible support, that it is possible, easily and immediately, to recognize and separate processed fibers from the so-called virgin fibers in finished textile products. I have before me a copy of a letter dated April 19, 1957, from the United States Testing Co. in Hoboken, N. J., wherein it stated:

"There is no analytical method for determining the percentage of reprocessed or reused wool in textile material. In fact, these types of wool cannot be determined either quantitatively or qualitatively.

"Years ago attempts were made to establish virgin, reprocessed, and reused wools by determining the degree of damage to scale structure, etc. However, this idea was worthless since investigators soon realized that some reprocessed wools showed less damage than virgin wools and some reused wools were in better condition than reprocessed wools.

"We assure there is no analytical method for determining the presence or absence of reprocessed or reused wools in textile materials."

Regarding the situation discussed in the letter of the United States Testing Co., just referred to, Dr. Jules La Barthe, who is an expert on commodity standards at the Mellon Institute in Pittsburgh, testified before the House committee at page 56:

"As a difficult as it is to arrive at more than an estimate as to the relative quantities of new, reprocessed, or reused wool in a fabric composed entirely of wool fiber, it is impossible to distinguish between new and reused nylon fibers and probably it will be equally impossible to distinguish new and reused fibers of any of the synthetics."

In addition to the sources previously quoted, I understand that the Bureau of Standards of the United States, the American Society for Testing Materials, and the International Wool Textile Organization all agree that even with the most skillful microscopic methods, it is very difficult, if not impossible, in finished textile products, to distinguish or differentiate between processed and virgin fibers in textile products.

We are so certain that this is, in truth and in fact, an utter impossibility that I would like to make the following proposal to anyone who believes otherwise:

Mr. Barnet, a witness who will be following me in these proceedings, will submit to the committee a number of samples of fabric, containing various percentages of processed fibers and so-called virgin fibers. I challenge anyone to take these samples, which are typical, and determine, by scientific analysis or otherwise, the fiber content of the various samples. I say it is impossible and I think I can assure the committee that no one attending these hearings will volunteer, through some scientific laboratory or agency, or personally, to make the proposed determination. I am so certain because it is impossible.

In conclusion, please permit me to assure the committee, as a person associated with a firm with almost 70 years' experience in the textile industry, that there is nothing inferior about properly processed textile fibers. The true answer is: There is no inferiority; the processed fibers are of equal quality; there is no basic difference; and therefore there can be no justification whatsoever for the passage of any Federal law such as would cause the processed fibers to be stigmatized, to be placed in an unfair, artificial, disadvantageous position and, sooner or later, to be driven from the American market altogether.

TESTIMONY OF ANTHONY R. FISCHER

My name is Anthony R. Fischer, and I am here today not only to represent the Textile Fibres Institute, of which I am a past president, but also to appear for my company, W. Lowenthal Co., Inc., which has mills located in Cohoes, N. Y.; Rossville, Ga.; and Rock Hill, S. C. Our company has been engaged in the textile industry since 1876.

My testimony will be limited to the tremendous problem which will confront the American textile industry as a whole if the amendment referred to above, and which the House defeated, is allowed by this committee to get into the bill, and if domestic manufacturers are required by Federal law to label their products "reprocessed" or "reused," while foreign manufacturers, beyond the pale of the Federal Trade Commission, are necessarily allowed to bring their products into the United States for sale without the stigmatic labeling foisted on United States companies by the big fiber manufacturers.

This problem is not altogether new. It already plagues the whole industry in the case of wool. In spite of what you have heard already about the quality equality of new and processed wool, the Wool Products Labeling Act requires American companies to label their products "reprocessed" or "reused" if they contain processed wool. American manufacturers must comply, or face the wrath of FTC. Simultaneously, however, Japan, England, and Italy are flooding the American market with woolen imports marked simply "wool" or "all wool"—when clearly these imports, in the great majority of cases, must contain processed wool in order to compete at the prices at which they are sold here. Thus, the American woolen product goes to market stigmatized "reused" or "reprocessed," while the imported article, probably containing basically the same fiber content, is sold as "wool" or "all wool."

Now, you might ask: Why can't FTC cope with this import problem? As testified by Mr. Lobsitz, no one can distinguish between virgin wool and reprocessed or reused wool, even scientifically or under a microscope. Thus, FTC keeps the American companies in line almost solely through the recordkeeping requirements of the law. FTC can examine the books required to be kept here in the United States—and if the books belie a label—the American company is charged with a violation of the law.

But FTC cannot examine the books of a Japanese, British, or French company. These companies do not have to keep books—and if the fiber content cannot be determined scientifically or in any other proven way, and if there are no books for FTC to check—then the foreign company can safely and almost without one iota of fear of the law, violate it and label everything shipped here "wool" or "all wool" or the like.

The Federal Trade Commission specifically admitted the existence of the serious problem during its testimony before the House committee. Mr. Hannah of FTC recognized the basic lack of enforcement facilities in these foreign situations, and testified, at page 88:

"We primarily, in those circumstances, must depend upon a competitor calling a suspicious situation to our attention, and then, we make a very thorough investigation of that situation."

Mr. Earl Kintner, General Counsel to FTC, interrupted at this point to state to the chairman of the House committee:

"You raised the most difficult problem under the Wool Act, Mr. Chairman—your question on this particular problem."

Of course, Mr. Chairman, I and my colleagues here very sincerely believe that these provisions of the Wool Act should be repealed. The Department of Commerce has expressed the opinion that the entire Wool Act should be repealed.³ The wool manufacturers, the National Retail Dry Goods Association and numerous others expressly agree that the "reprocessed," "reused" provisions of the Wool Act should be stricken out. I believe the Federal Trade Commission would have to agree that, under present circumstances, the act discriminates radically and unfairly against the American producers, and the industry as a whole.

But one thing is certain. With this wholly unfair, arbitrary, discriminatory situation already in existence in the case of wool, this committee certainly will not, we hope, even consider extending the penalties of this drastic dilemma to the American manmade fiber industry. The Wool Act provisions were in-

³ See letter of the Secretary of Commerce to the House committee, dated April 4, 1957, at p. 14 of the House record.

serted admittedly to favor the special interests of the woolgrowers who thought the requirement of these stigmatic provisions would enable them to produce and sell more wool. The exact opposite result has ensued, and even with Government subsidies and high tariffs and wool quotas, the domestic production has steadily declined. Now, the wool industry, I believe, recognizes its mistake, and by and large, wants to see these provisions of the Wool Act repealed.

Today, the big fiber manufacturers want to extend this horrible problem to manmade fibers. We hope they have changed their mind. I say to this committee that the American textile industry, already plagued with impossible labor costs, devastating imports from abroad, revolutionary upheavals caused by the enforced conversions from natural fibers to manmade fibers, mill shutdowns, increased unemployment, and an ever-decreasing margin of profit, cannot possibly absorb additional damage in the form of class legislation favoring special privilege groups which already control and monopolize their areas of the industry. Nor should the Congress even consider enacting legislation which admittedly will place the entire American industry at the mercy of their foreign competitors in the matter of labeling. The foreign competitors already have the advantage of lower labor costs, longer working hours, and less Government restrictions.

If labeling is only half as important to the consumer as the proponents of H. R. 469 say it is, then labeling which favors Du Pont and all of the foreign manufacturers promises soon to eradicate the remaining segments of the American industry which already are reeling under the burdens and disadvantages of the present competitive situation.

TESTIMONY OF MR. WILLIAM BARNET

Mr. Chairman, my name is William Barnet, and I appear here today as a representative of the Textile Fibers Institute and of my company, William Barnet & Son, Albany, N. Y.

I propose to offer for your consideration, Mr. Chairman, and for the consideration of the committee, various samples of the so-called virgin textile fibers along with samples of processed fibers of the same grade and quality. I also want to show you various fabric samples; and finally, I have for your examination samples of garments which contain the two types of fabrics we have been discussing.

Before doing this, I want to make the following comments very briefly:

1. Mr. Fischer, in his testimony, referred to the Wool Act requirements, whereby American companies must mark products reused or reprocessed whenever they contain processed wool; and he told you, I believe, that, after several years of unhappy devastating experience with these requirements, large segments of the wool industry would now like to repeal the law. The very same type of requirements were tried in Australia, which is a wool-producing country, and for the same reason ostensibly to favor the domestic wool growers. After a brief experience, wherein the Australian wool industry found these labeling requirements to be ruinous and totally unworkable, Australia repealed the regulation which required the reprocessed and reused stigmatic labeling. I ask permission to hand up for your examination, Mr. Chairman, a copy of the 1923 regulations whereby these Australian requirements were repealed, and I ask that same be made a part of the record.

2. I understand the alleged purpose of H. R. 469 to be protection of the consumer. If protection of the consumer is the real purpose, then certainly this committee will want to guarantee that nothing is added to this legislation which will cause the consumer to pay higher prices for identical merchandise. The samples to be submitted now will, I believe, prove beyond a doubt that one of the basic purposes of the amendment which our group opposes and which has now been withdrawn, was to wipe out the price saving presently available to the American consumer because of the availability of processed fibers; and these samples will, I hope, convince you once and for all, that there is nothing inferior about our processed fibers.

At this point, therefore, I would sincerely appreciate the committee's close attention to the following samples which demonstrate the facts set forth above:

Sample No. 1: White virgin nylon produced by one of the big fiber manufacturers.

Sample No. 2: White processed nylon.

Sample No. 3: White virgin Dacron produced by one of the big fiber manufacturers.

Sample No. 4: Processed Dacron.

Sample No. 5: White virgin Orlon produced by one of the big fiber manufacturers.

Sample No. 6: White processed Orlon.

Sample No. 7: Processed wool ready for inclusion in flannel cloth.

Sample No. 8: Virgin wool.

Sample No. 9: Reused wool.

Sample No. 10: Virgin wool.

Samples 11 and 12: Ladies' sweaters, one manufactured from virgin Orlon; the other manufactured from reprocessed Orlon.

Samples 13 and 14: Two men's sweaters; the light gray sweater consisting of wool and processed Orlon; the dark gray sweater consisting of wool and virgin Orlon staple.

Sample No. 15: Fabric consisting of wool, virgin Orlon and processed Orlon.

Sample No. 16: Fabric containing virgin Orlon and wool.

Sample No. 17: Fabric containing reprocessed wool and virgin nylon.

Sample No. 18: Fabric containing a blend of processed wool and virgin wool.

Sample No. 19: Fabrics of virgin wool.

Sample No. 20: Fabrics containing blends of virgin wool and processed wool.

Sample No. 21: Fabrics containing blends of virgin Orlon, processed Orlon, virgin wool and processed wool.

Sample No. 22: Fabric samples containing wool, nylon; processed wool and nylon.

Sample No. 23: Samples containing virgin wool and virgin nylon; processed wool and processed nylon.

In our statement above, we stated it could be assumed this committee would certainly include nothing in this legislation which would cause American consumers to pay higher prices for identical merchandise. Comparing the samples furnished herewith, the following prices tell the story in this regard:

Competitive prices

	<i>Per pound</i>
Sample No. 1: Virgin nylon-----	\$1. 20-\$1. 35
Sample No. 5: Virgin Orlon-----	1. 20- 1. 48
Sample No. 3: Virgin Dacron-----	1. 41- 1. 56
Sample No. 2: Processed nylon-----	. 60- . 75
Sample No. 6: Processed Orlon-----	. 75- . 80
Sample No. 4: Processed Dacron-----	. 60- . 80

These fiber price differentials enable manufacturers to produce fabrics and garments from blended fibers which are just as good as those created from the virgin material alone—and at very substantial price savings for the American consumer. Our industry has worked hard and honestly to make this possible and we know this committee will do nothing in this legislation to hamper, limit, or destroy our ability to continue to provide even more beneficial results for the consumer in the future.

ISELIN-JEFFERSON Co., INC.,
New York, N. Y., March 3, 1958.

Senator WARREN G. MAGNUSON,

*Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: I very much regret that business on the Senate floor kept you from being present when I testified on H. R. 469, particularly because of my position as major spokesman for a great majority of the textile and apparel industry. I will be most grateful if you can particularly go over the part of my testimony which is in addition to the final statement which I filed prior to the hearings.

Following the suggestion made by Mr. Jones, president of the American Retail Federation, we have called a meeting in New York on March 12 to bring together all parties who testified before your committee, to try to work out a compromise solution acceptable to all.

We would very much appreciate if the record on H. R. 469 can be held open until we have had an opportunity to report back to you on the outcome of this meeting.

Your courtesy in this matter is greatly appreciated.

May I point out that I have been very much impressed by the fairness and open-mindedness by which you conducted the hearings on H. R. 469.

Sincerely yours,

RALPH J. BACHENHEIMER,
Chairman, Joint Committee on Labeling of Textiles and Apparel.

TEXTILE FABRICS ASSOCIATION,
New York, N. Y., March 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: In conformity with a suggestion made by Mr. Rowland Jones of the American Retail Federation in the course of his testimony on H. R. 469 before your committee, we have invited all those who testified on this bill before your committee to a meeting in New York City on March 12, 1958, at the Vanderbilt Hotel, at 2 p. m.

The purpose of this meeting is to endeavor to find a compromise that will be acceptable to the various persons interested in H. R. 469. We believe it is well worth the effort to reach such a compromise.

We respectfully request that the record before your committee be kept open in order to give us a fair opportunity to inform your committee of whatever results are reached at the meeting on March 12. We will, of course, advise you immediately upon the conclusion of that meeting.

Respectfully yours,

ARTHUR M. KLURFELD,
Executive Director.

NEW YORK, N. Y., March 19, 1958.

SENATOR WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
Senate Office Building, Washington, D. C.:*

Four-man subcommittee representing textile and apparel industries and retailers group agreed yesterday on amendments of H. R. 469. Will take 10 days to get approval of all groups to this agreement. Please hold record open, as requested previously, until March 28; will file full report by this time.

RALPH J. BACHENHEIMER,
Chairman, Joint Committee on Labeling of Textiles and Apparel.

ISELIN-JEFFERSON Co., INC.,
New York, N. Y., March 13, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: I refer to your letter of March 11, 1958, addressed to Arthur M. Klurfeld, executive director of the Textile Fabrics Association, in which you indicated that the record in H. R. 469 would be kept open to give us an opportunity to advise you of the results of our meeting with various industry representatives on March 12 in New York.

This meeting was held as scheduled, and was well attended by trade association and other representatives of leading cotton producers, synthetic fiber producers, cotton and synthetic fiber fabric producers, converters, garment manufacturers and retailers. Everyone present was given a fair opportunity to express his views and a proposal for a compromise was made which we hope will be acceptable to all of the associations represented at this meeting, with possibly very few exceptions. This proposal embodies the adoption of the following changes in H. R. 469:

1. Deletion of section 4 (b) (2) which requires the actual percentage of each fiber present to be indicated. This change would, in effect, mean that labeling of all textile products would still have to be performed, but the labeling need only show the fibers in the product in the order of the fibers by weight.

2. Deletion of section 4 (b) (4) which requires the labeling of textile products to show the name of the country of origin, if produced abroad.

3. The inclusion within H. R. 469 of the Wool Products Labeling Act and any existing trade practice rules of the Federal Trade Commission requiring labeling of textile products.

4. Amendment of section 4 (b) (2) to eliminate the necessity of labeling textile products containing more than 1 fiber where 1 of the fibers represents 20 percent or less of the total fiber content.

5. The elimination of some of the burdensome requirements of recordkeeping in order to reduce the cost of compliance with the act.

A committee of four was appointed to whip these proposals into final shape and to present them to the various trade associations for their formal approval as quickly as possible. We have every reason to believe we will be able to give you definite word of the results of this compromise proposal within the next 2 weeks at the latest. In order to give us a fair opportunity to present the final proposal to your committee as the best possible compromise, we respectfully request that you defer taking any final action with regard to H. R. 469 until March 28. In view of the vital importance of this legislation to the welfare of the entire textile industry, we trust that your committee will grant us the additional time necessary to work out a compromise along the lines set out in this letter.

I have been asked to state that the National Cotton Council and E. I. du Pont de Nemours & Co., Inc., desire to disassociate themselves from the proposal for a compromise made herein. However, the representatives of those organizations indicated they would relate to their principals the consensus of opinion expressed at the meeting yesterday, and would advise us whether they will be willing to accept this type of compromise agreement.

Respectfully yours,

RALPH J. BACHENHEIMER,
Chairman, Joint Committee on Labeling of Textiles and Apparel.

ISELIN-JEFFERSON Co., INC.,
New York, N. Y., March 17, 1958.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: This is to acknowledge receipt of your letter of March 11 with regard to H. R. 469. I am indeed very grateful for the good wishes you have sent me for our meeting to work out a compromise solution, which took place last week. As we advised you in our letter on March 13, we have a subcommittee drafting these compromise proposal amendments, and hope to have them approved by the majority of our various associations within the time specified in the above-mentioned letter.

Your very understanding attitude in this matter is greatly appreciated by many of us in the textile and apparel industries.

Sincerely yours,

RALPH J. BACHENHEIMER,
Chairman, Joint Committee on Labeling of Textiles and Apparel.

ISELIN-JEFFERSON Co., INC.,
New York, N. Y., March 27, 1958.

Senator WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate,
Senate Office Building, Washington, D. C.*

DEAR SENATOR MAGNUSON: We are indeed very grateful for your kind cooperation in keeping the record on H. R. 469 open until we had the opportunity to announce to you the outcome of our industrywide meetings to find a solution acceptable to all of us.

Enclosed you will find a full report covering our suggested amendments to H. R. 469, together with proper documentation and reasons for these amendments.

One point we want to make very clear is that we still feel there is no need for mandatory fiber content labeling and, for this reason, are still opposed to

H. R. 469. We still believe a voluntary labeling law will be a more acceptable solution. However, if your committee feels that a mandatory fiber content labeling law along the lines of H. R. 469 has to be enacted during this session of Congress, we would like to urge you to amend it in accordance with the attached proposals.

The above views are concurred in by an overwhelming majority of the textile mills, converters, manufacturers, and retailers.

As far as the first 3 categories are concerned, we list below the trade organizations which concur in our proposal, and which are members of the Joint Committee on Labeling of Textiles and Apparel:

Affiliated Dress Manufacturers, Inc.
 Apparel Industries of New England
 Associated Corset & Brassiere Manufacturers, Inc.
 Associated Men's Wear Retailers of New York, Inc.
 Boys' Apparel & Accessories Manufacturers Association
 Corset & Brassiere Manufacturers Association
 Handkerchief Industry Association, Inc.
 Infants' and Children's Coat Association, Inc.
 International Association of Garment Manufacturers
 Lingerie Manufacturers Association, Inc.
 The Hat Institute, Inc.
 The Men's Tie Foundation, Inc.
 National Association of Blouse Manufacturers, Inc.
 National Association of Shirt, Pajama & Sportswear Manufacturers
 National Dress Manufacturers Association, Inc.
 National Outerwear & Sportswear Association, Inc.
 National Retail Furniture Association
 National Skirt & Sportswear Association, Inc.
 Negligee Manufacturers Association, Inc.
 Popular Priced Dress Manufacturers Group, Inc.
 Textile Distributors Institute, Inc.
 Textile Section of the New York Board of Trade
 The House Dress Institute
 Trouser Institute of America
 Underwear Institute
 United Infants & Children's Wear Association, Inc.
 United Popular Dress Manufacturers Association, Inc.

As far as retailers are concerned, the American Retail Federation, the National Retail Merchants Association, and the Retail Dry Goods Association of New York concur on behalf of the retailers.

We believe the above enumeration demonstrates vividly the great support given to our approach by all parties concerned with H. R. 469.

The only members of the joint committee not going along with our possible compromise proposal are the Southern Garment Manufacturers Association, Inc., the National Knitted Outerwear Association, and the Textile Fabrics Association. These groups are unalterably opposed to H. R. 469 in its present or any other state.

One thing we would like to point out is that during all the hearings on H. R. 469, no single consumer, or representative of any consumer group, has appeared before your committee, even though in its preamble the law is supposedly protecting the consumer. We strongly feel that no demand on the part of the consumer for this protection has been made and therefore really cannot see the need for mandatory fiber content labeling.

We hope you will keep us posted on the further developments of this legislation.

Most sincerely,

RALPH J. BACHENHEIMER,
Chairman, Joint Committee on Labeling of Textiles and Apparel.

PROPOSED AMENDMENTS TO H. R. 469

The committee set up at the meeting of March 12, 1958, consisting of Messrs. Ephriam Freedman, Arthur Klurfeld, John Conover, and M. J. Lovell, met today for the purpose of crystallizing the five points made at the meeting. They were briefly, as follows:

1. To abolish the percentage designation of H. R. 469 ;
2. To eliminate a less than 20 percent minimum disclosure ;
3. To implement one all-over fiber law ;
4. To eliminate the import labeling provisions ; and
5. To eliminate other onerous provisions of the act.

The committee discussed these matters at great and substantial length, with the following results :

1. and 2. The committee felt that all objections in this respect could be resolved by means of the following language :

Amend section 4 (b) (1), beginning on line 13, page 7, to read as follows :

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is in excess of 10 percent of the total fiber weight of the product: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount 10 percent or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as 'other fiber' or 'other fibers,' as the case may be except that nothing herein shall prohibit the disclosure of any textile fiber present in a textile fiber product in an amount of 5 percent or more, together with its percentage by weight of the total fiber content. Except as above expressly prohibited, nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name."

3. The committee's recommendation with respect to an all-over fiber law is that wool products be kept out of H. R. 469, as provided, and that the Wool Products Labeling Act of 1939 be continued.

4. There shall be no change in the import labeling provisions of H. R. 469 with the exception that the words "processed or" be eliminated from section 4 (b) (4).

5. A rereading and reconsideration of the claimed onerous recordskeeping provisions, etc., of H. R. 469 indicates that they are no more than are contained in other equivalent acts or regulations and are, further, no more than the usual recordskeeping provisions of an ordinary business establishment. Accordingly, the committee feels that sections 6, 7, and 8 of the proposed act are acceptable.

In addition, the committee is in agreement that all references to advertising and advertising disclosures be deleted from the act. Further, that the exemption as to labeling requirement of packaged goods as set forth in section 4 (e) be deleted so as to provide assurance that each individual textile fiber product will be labeled as required by section 4 (b) (1).

Further, the committee feels that H. R. 469 should exempt from its contemplation mixed packaged goods where various assorted types and styles of fabrics are sold in one package, and also the sale of remnants.

At this point it might be feasible to explain the reason for the recommendation contained in 1 and 2 above. The committee understands that the objective of the provision was to prevent a misrepresentation with respect to a fiber in a fabric out of all proportion to its percentage or use therein. However, it was felt and agreed that the presence of some fibers in a fabric even though of relatively small percentage nevertheless contributed a certain quality to that fabric which merited mention. An attempt was made to ameliorate this situation by the introduction of the 20-percent provision at the meeting. However, the committee felt that the mandatory characterization of anything less than 20 percent by the terms "other fiber" or "other fibers" might defeat a meritorious purpose. Accordingly, therefore, the committee felt that it would serve as a sufficient deterrent if the "other fiber" or "other fibers" designation were set at 10 percent or less, but that if a lesser percentage than that amount were nevertheless something which a manufacturer felt should be disclosed, then permission is granted to do so where such percentage is 5 percent or more provided that the actual percentage of that lesser amount is disclosed.

In the light of the above it is, therefore, the recommendation of the committee, as follows :

Section 2. "Definitions": No change.

Section 3. "Misbranding and False Advertising Declared Unlawful.": Change title to read, "Misbranding Declared Unlawful."

Section 3 (a), line 6: Delete "advertising.". Lines 9 and 10: Delete "or falsely or deceptively advertised".

Section 3 (b), line 15: Delete "advertising,". Line 17: Delete "advertised or". Line 18: Delete "or falsely or deceptively advertised".

Section 3 (c), line 24: Delete "advertising,".

Page 5, line 3: Delete "or falsely or deceptively advertised,".

Section 3 (d), (4): Delete lines 23 to and including line 7 on page 6.

Change section 3 (d) (5) to section 3 (d) (4).

Page 6, line 20: Delete "and false advertising".

Section 4, therefore, will be entitled "Misbranding of Textile Fiber Products."

Section 4 (a), line 24: Delete "advertised".

Section 4 (b) (1): Delete section 4 (b) (1) and 4 (b) (2) and insert a new section 4 (b) (1) to read as follows:

"(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is in excess of 10 percentum of the total fiber weight of the product: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount 10 percentum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as 'other fiber' or 'other fibers,' as the case may be *except that nothing herein shall prohibit the disclosure of any textile fiber present in a textile fiber product in an amount of 5 percentum or more, together with its percentage by weight of the total fiber content.* Except as above expressly prohibited, nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name."

Renumber section 4 (b) (3) to 4 (b) (2).

Change 4 (b) (4) to 4 (b) (3).

Change the new 4 (b) (3) by eliminating the words "processed or".

Delete section 4 (c).

Change section 4 (d) to read: "Section 4 (c)".

Section 4 (d), page 9, line 7: Delete "or advertisement.", and change number to section 4 (c).

Delete 4 (e) entirely.

Change 4 (f) to 4 (d).

In addition to the new 4 (d), add the following at the end of page 10, line 7: "and further provided that this section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to any bundle or package where sold as mixed goods or to remnants."

Section 5 (b) (1), line 21: Delete "advertising,".

Section 5 (b) (2), line 25: Delete "advertising,".

Page 11, line 3: Delete "advertised,".

Section 5 (c): Page 11, lines 12 to 22 inclusive: Delete entirely.

Sections 6, 7, 8, 9, 10, and 11: Remain as is.

Section 12 (a) (11), page 18, line 11: Delete "in", insert instead "on". Delete "advertisement,".

E. I. DU PONT DE NEMOURS & Co., INC.,
Wilmington, Del., March 14, 1958.

Re H. R. 469.

HON. WARREN G. MAGNUSON,

Chairman, Committee on Interstate and Foreign Commerce,
United States Senate,
Washington, D. C.

MY DEAR SENATOR MAGNUSON: In response to an invitation from Ralph J. Bachenheimer, chairman of the "Joint Committee on Labeling of Textiles and Apparel," I attended, on behalf of E. I. du Pont de Nemours & Co., a meeting held in New York City at the Vanderbilt Hotel on March 12, 1958, of parties who testified before your committee on H. R. 469. The stated purpose of the meeting was to endeavor to find a possible solution to the question of textile labeling satisfactory to all.

The large majority of those present were representatives of groups that have already gone on record in opposition to H. R. 469. After considerable "rehash" of the contentions for and against the bill that have already been presented to your committee, during which nothing new was developed, Mr. Bachenheimer directed discussion to possible grounds of compromise.

The first proposal by opponents of H. R. 469 was that the group get together on a recommendation that voluntary labeling of the type proposed to your committee by Mr. Bachenheimer be substituted for H. R. 469.

We do not believe voluntary labeling is a workable, enforceable approach to the problem at hand or that it would afford consumers the information and the protection they need. The legislation proposed has a number of technical and substantive deficiencies which, in view of later developments at the meeting, need not be detailed here. Among its glaring deficiencies are the failure to require disclosure of percentages of fiber content and its lack of real, enforceable consumer protection against a very real danger—oral misrepresentation of unlabeled or inadequately labeled merchandise at the point of sale.

We advised the group that Du Pont did not consider voluntary labeling a satisfactory substitute for H. R. 469 and that we could not join in recommending it as a compromise proposal. Representatives of the Cotton Council present indicated that the proposal also was unsatisfactory to them.

Opponents of H. R. 469 then proposed as a compromise the deletion of section 4 (b) (2) requiring mandatory labeling of fiber content by percentages and substituting therefor a requirement that labels show fiber content only in order of predominance. This proposal also embodied repeal of the Wool Act and the application of the less stringent bill to all fibers, under the guise of uniformity.

This is not a new proposal. In substance, it is the same approach as that taken by the Mack bill (H. R. 5605) which was rejected by the House Committee on Interstate and Foreign Commerce in favor of H. R. 469. Our testimony before your committee made clear, we believe, the deficiencies in a bill of this kind. The public needs percentage information to reach intelligent conclusions in purchasing textile products, and legislation like the Mack bill will not provide it.

We told the group that legislation of this type would not be a satisfactory compromise so far as Du Pont is concerned and that we could not join in recommending it to your committee. Representatives of the Cotton Council voiced similar sentiments.

A committee was then appointed to endeavor to compose the views of those desiring to recommend changes in H. R. 469 for transmittal to your committee, within the framework of a 5-point program, to wit:

1. Deletion of section 4 (b) (2) calling for mandatory labeling of fiber percentage and substituting therefor mandatory labeling of fiber content in order of predominance by weight.
2. Deletion of provision requiring that label show country of origin of imported textile products.
3. Make this law applicable to all textile fibers and repeal the Wool Products Labeling Act and pertinent FTC trade practice rules.
4. Require fiber content labeling by percentage or preclude reference to fiber at all, if present in amounts of less than 20 percent.
5. Eliminate recordkeeping provisions and make labeling procedures less involved and costly.

We understand that representations are to be made to your committee to defer action on H. R. 469 until the committee described above can report on the points mentioned. We, and the representatives of the Cotton Council, expressly disassociated ourselves from any such request for delay. Your committee already has the facts on all of these points before it and Du Pont submits that there is no reason why your procedures should be delayed on the plea of a group that has already been afforded a full hearing.

Very truly yours,

J. O. GRAVES,
Assistant Director, Merchandising.

THE STEARNS & FOSTER CO.,
Cincinnati, Ohio, February 26, 1958.

Hon. FRANK J. LAUSCHE,
Senate Office Building, Washington, D. C.

DEAR MR. LAUSCHE: There is a bill known as the textile products identification bill. In the Senate this is bill 1616—in the House it is H. R. 469. These two bills include mattresses. If they are made into law it would be necessary for us and over 2,000 other manufacturers, many of whom are very, very small, to label the fiber content of the ticking which covers the outside of mattresses, and of the muslin or other cloth used inside the mattresses, in the manufacturing process.

We ourselves, as well as the National Association of Bedding Manufacturers are strongly opposed to both of these bills. The main argument is that the consumer is not interested in the fiber content of the covering of the mattresses, but is vitally interested, from a health standpoint, as well as comfort, in the filling content of the mattresses. Nearly all States, like Ohio, have bedding laws which compel the manufacturer to honestly describe the contents of the mattresses which the consumer cannot see, and these States have many State law enforcement officials to enforce the State law that the contents are truthfully described on the label which must always be attached to the mattress until after the consumer has bought and received it. These State officials and their laboratories are continually cooperating with each other State and warning each other of possible violations in their State. They have a national association of State law enforcement officials which convenes for 1 week each year with the idea of further improving their State laws and law enforcement. And, for over 15 years, I have been honored by being the only member of the association who is not a paid State law-enforcement official. These State officials are honest and diligent in their work. It is my personal opinion that the inclusion of mattresses and box springs in the two bills referred to would cause a great deal of nuisance and confusion to the retailer and an increase in expense to the taxpayers by a duplication of examination by both Federal and State law enforcement officials.

We here at Stearns & Foster hope that you will do everything within your power to defeat these two bills or at least to amend them to exclude mattresses and box springs.

I expect to call you personally on the telephone about this either Friday of this week or next Monday.

Sincerely,

EVANS STEARNS,
Chairman of the Board.

THE LINEN THREAD CO., INC.,
Paterson, N. J., February 28, 1958.

HON. H. ALEXANDER SMITH,
Senate Office Building, Washington, D. C.

DEAR SENATOR SMITH: It is my understanding that there is presently under consideration by the Senate Committee on Interstate and Foreign Commerce H. R. 469, which may be cited as the Textile Fiber Products Identification Act. In the bill, in section 12, an exemption is made for "(6) backings of floor coverings."

This exemption in my opinion should be changed to read "(6) paddings or cushions for use under floor coverings."

The word "backing" I believe has been used in error in the bill. That term "backing" refers to the material or construction of the back of a carpet or rug, an integral part of the carpet or rug. To isolate the backing from the rest of the carpet, insofar as labeling is concerned, does not protect the public from substitution of inferior components and does not permit a good comparison of values, and is probably not what was intended by the author of the proposed bill. In other words, if the components of a rug are to be identified, the identification should be complete.

I would urge the passage of H. R. 469, but only with the change as noted above.

Thank you for your consideration.

Very truly yours,

H. E. KEGELMAN.

MASSACHUSETTS COUNCIL OF RETAIL MERCHANTS,
Boston, Mass., April 15, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: With the Easter recess over, and the matter and the problems of business again before Congress, would you please record the Massachusetts Council of Retail Merchants as opposed to H. R. 469, Textile Fiber Products Identification Act, in its present form due to its burdensome provisions.

There have been several suggested amendments which could negate our organization's opposition, namely:

1. Eliminate mandatory disclosure of percentages except when a textile product contains 10 percent or less of a fiber and the fiber is mentioned.

2. Deletion of the words "or processed" in connection with imported goods, so as to do away with undue harassment of retailers resulting from unwarranted and complicated label information.

3. Removal of all references to advertising to bring this proposed law into line with the Wool Products Labeling Act of 1939 and to prevent confusion to the retailer and conflict between these laws.

4. Exemption of packages or bundles of mixed fabrics or of remnants from labeling requirements.

5. Deletion of exemption as to labeling requirements of packaged goods so as to relieve retailers from burden of labeling goods sold from broken packages and of keeping records thereof.

Very truly yours,

DEAN C. CUSHING,
Secretary.

F. EUGENE ACKERMAN,
Naples, Fla., March 18, 1958.

Senator WARREN MAGNUSON,
*Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.*

DEAR SENATOR: I am taking the liberty of enclosing copy of a statement filed with the House Interstate Committee supporting H. R. 469, which requires that all textiles for apparel be labeled to provide information regarding the fiber content in terms of the percentages present. This bill also provides for the continuance of the present Wool Labeling Act, which has been in effect for the past 18 years. If consistent with the rules of your committee, I ask that this letter and the House statement be made a part of the record.

As one of the chief proponents of this act during the long and bitter altercations which accompanied its passage by Congress in 1939, I am astonished at some of the arguments put forward by textile and apparel manufacturers, and groups of retail merchants.

To one who is familiar with the tremendous benefits the Wool Labeling Act has bestowed upon the purchasing public and the woolgrowing and wool textile industries, it is difficult to fathom the logic of the position which these groups have assumed. Studying the summaries of the arguments that are being advanced, one imagines that he is reading again the timeworn arguments put forth with intense emotion, during the repeated House and Senate hearings on the Wool Labeling Act from 1937 to 1939. The members of the Senate Interstate and Foreign Commerce Committee could find no more exhaustive and revealing information on the evils that resulted from the concealed use of shoddy, and other waste products of wool, than in the records of these hearings. Further the wide diversity of both wool and garment manufacturers, retail merchants, consumers' organizations, and women's clubs, urging the enactment of wool labeling legislation are proof that the situation at that time demanded correction.

The evils resulting from the conditions of the 1930's and previously, not only exist today but are magnified a hundredfold through the mass use of new fibers which were not then in existence. One of the major uses of these fibers today is to simulate wool textures, or to be blended with wool in order to obtain the exclusive, essential qualities of wool, and to add to these qualities certain great advantages of their own.

I do not want to encumber the record with prolix comments, but I do want to emphasize that the demand that disclosure of so-called service factors be substituted for fiber content disclosure is not only self-defeating, but if followed, would lead to some of the most fantastic sales literature, posing as information, ever conceived, even in a land of fantasy. Today the world of textile promotion is loud with such claims as: "wrinkle proof," "spot proof," "wash and wear," and similar absolute terms, which begin on a basis of verity and end with a copywriter's fertile imagination. There is, of course, no such thing as a "wrinkle proof" textile or garment. There is nothing that is "spot proof." There certainly isn't any textile that can be worn, soiled, and then washed and be worn again that would not be improved by a hot iron.

In "wash 'n wear," the present glittering prince of the textile promotion world, there are already half a dozen or so official definitions by textile manufacturers, garment converters, dry cleaning and laundry associations, of just what is meant, so far as their products are concerned, by this term. Some of the definitions almost specify the kind of automatic washing machine that must be used, the temperature of the water, treatment after washing (stretching, smoothing, etc.). Also many of the definitions coyly admit that maybe just a whisk of the iron will help. This is no attack upon new qualities in textiles which reduce or alleviate the absolute necessity of certain labor aspects of garment care. It is a protest against substituting momentarily popular promotional weapons for the permanent verities of raw material content.

This pending bill, H. R. 469, when passed, will establish a basis—and the only adequate basis—by which the consumer can judge the intrinsic values of the apparel product that is being purchased for family use. If these values are to be based upon changing promotional claims, there is liable to be a recurrence of inflammable and explosive garments which a few years ago marked up an alarming toll of injuries throughout the country. It is a fact that many of the acrylic and polymer fibers now used by the hundreds of millions of pounds today in every type of fabric and in blends with all other fibers, will melt when touched with a spark. They become saturated with moisture under conditions which leave wool dry. All fibers today are being used to imitate the weaves and finishes of the more costly fiber—wool. No fiber today is as subject to imitation in textures and constructions, both woven and knit. The very terms associated with wool since the beginnings of its commercial use, such as broadcloths, tweeds, gabardines, shetlands, serges, etc., are more and more freely used to describe constructions, finishes, and other visual effects, when the textile, in fact, contains no wool at all. Surely the public has a right to know what it is getting. Further, it is entitled to know what are the percentages of fibers present.

What is occurring today is that substances once composed only of natural raw materials are being imitated in synthetic raw materials. Whether this is for good or ill, is not moot here. What is moot is that the public has the right to know what it is getting, and to make its selection on the basis of that knowledge. It is not capable of pitting its lack of information against the knowledge of the scientist, and the plausible claims of advertising experts.

In conclusion may I add that the suggestion that no information should be given the public as to whether a raw material in a textile is new or second or even third hand, seems to the observer, to be indefensible in logic, or the essential moral standards for industries making and distributing consumer products to a public which gives its faith to its chosen resources.

Sincerely,

F. EUGENE ACKERMAN.

P. S.—If personal appearance before your committee would be of any advantage, I will be happy to appear. F. E. A.

STATEMENT BY EUGENE ACKERMAN¹ ON PROPOSED TEXTILE LABELING

I have set forth the extent and areas of my past experiences in the wool textile industry solely to qualify myself in making this statement regarding the present textile labeling bills now pending before Congress. These bills are: H. R. 469, introduced by Representative Smith of Mississippi; H. R. 5605, introduced by Representative Mack of Illinois; and H. R. 6524, introduced by Representative O'Brien of New York.

H. R. 469 would require the disclosure of the fiber content of textile products in terms of percentages, and further provides for the continuance of the present Wool Labeling Act.

H. R. 5605 and 6524, would, as a primary purpose, repeal the Wool Labeling Act, and permit the identification of fibers in any textile product simply by listing them in the order of their predominance.

¹ Formerly vice president and merchandising director of Julius Forstmann Corp.; vice president, director of sales, merchandising and advertising, Botany Mills, Inc.; executive director of American Wool Council; formerly chairman of the executive committee and president of The Wool Bureau, Inc.; author of The Wool Products Labeling Act, Wonder Fiber W, etc.

If either of these two latter bills, as at present written, are enacted into law, the public will be deprived of the incalculable protection afforded it during the past 17 years by the Wool Labeling Act. The sole information, to which it will have access, will be the vague listing of the different fibers present in the order of their predominance. The quantity of the fibers present, upon which the service and wear and values depend, will be the secret and unrevealed property of the producer. Further, information as to whether the fibers are new fibers being used for the first time, or are fibers recovered from wastes and from used rags, will be withheld from the public.

The net result will be to open up, by act of Congress, avenues of deception, which are bound to react against the public interest, and to establish legally, as a standard for the textile industry, lower cost, inferior quality substitute raw materials which would be sold under the names and on the reputations of higher cost, better quality new raw materials. It is axiomatic that, paraphrasing Greshman's law on debased currency, such a course must result "in the cheap driving out the good."

There is no tenable argument which can prove that these secondhand, damaged raw materials are equal to the new materials from which they came originally. This is recognized technologically. It is further strengthened by the fact that they are sold in their own specific markets under their own terminologies. The waste materials dealers and processors of recovered fibers have their own special industries, their own industrial associations, and their own markets. In all instances these markets are the textile industries to which they sell lower priced substitutes for the new raw materials that would otherwise be used.

NEW CHEMICAL FIBERS MAKE IDENTIFICATION NECESSARY

During the past decade there has been introduced into the textile markets new chemical fibers with properties not possessed by existing natural or synthetic fibers. They have been marketed in a campaign of advertising and promotion which has no example in the history of the textile industry, and indeed, has not been excelled in any other industry.

They are being advertised and sold under their registered trade names which are prominently affixed to the textile products for the information and guidance of the public, and as a guarantee that they possess the qualities claimed for them. Through their wide acceptance they are preempting markets formerly dominated by traditional and long-established textiles.

A further result, now becoming dangerously apparent, is the appearance in the rag and wastes markets of thousands of tons of rags from wornout garments containing blends of wool and these new polymer and acrylic fibers. These wastes and rags are being garneted back into fibers, to be remanufactured. The result has been so adverse to the public, and to industry, that such fiber manufacturers as the Du Pont Co., the Chemstrand Co., and others are asking Congress to establish categories in the proposed labeling bills which will require manufacturers to disclose whether such fibers as Dacron, Orlon, nylon, and Acrilon, etc., are new fibers or are previously manufactured and used fibers recovered from wastes or rags.

WOOL INDUSTRY CHIEF SUFFERER

The greatest quantity of rags containing blends of traditional and new fibers coming into the market consist of wool and one or the other of the polymer and acrylic fibers. These rags present almost insoluble problems to the waste and rag industries. Before their appearance, cotton, rayon, silk, linen, etc. could be carbonized out of the wool content of a fabric by a sulfuric acid solution. The wool content, which resisted the acid bath, remained.

To date no means has been discovered by which Dacron, Orlon, nylon, Acrilon, and the other chemical fibers can be eliminated from wool blends. Heat reduces them to a viscous, fluid-like mass. They are impervious to acids which will not also destroy the wool. As a result tons of rags and wastes materials are being garneted into fibers with the chemical fiber content present. If the Wool Labeling Act, which requires disclosure of the character of wool fiber used, is repealed, Congress will, in effect be making legal the undisclosed use of both reused wool and reused synthetic fibers in textile products which the public will purchase under original generic terms and registered trade names designed specifically to be applied only to new fibers.

SHODDY—OR REPROCESS AND RE-USED WOOL

The necessity for maintaining the present differentiation between new wool, and wool recovered from wastes and rags, rests upon a solid foundation. Traditionally the wool textile industries uses up to 50 percent substitutes for new wool in the manufacture of its products to bring prices within the reach of the low income masses of people, by reducing costs of raw materials. The Encyclopedia Britannica expresses it accurately in this manner:

"Upon the whole the 'cheap and nasty' idea generally associated with the term 'shoddy' in reference to these remanufactured materials, is quite a mistake. Some most excellent clothes are produced, and when price is taken into consideration it must be conceded that the development of this industry has benefited the working classes of Great Britain and other countries to a remarkable extent. Many are now well clothed, who, without the advent of the remanufactured materials, would have been clothed in rags."

It is fully granted that reprocessed and reused wool fibers, used as a substitute for new wool, produce results in textiles superior to any other substitute. While no reprocessed or reused wool is as good in terms of wear, protection, or warmth, as a corresponding grade of new wool, it does possess in degrees that vary according to the damage suffered through previous use, and by being torn and shredded back into fiber, the exclusive qualities of wool which do not exist in any comparable degree in any other natural or synthetic fiber.

Since this is a fact, the logic of overcoming any prejudice the public may have against the terms "reprocessed" and "reused" wool, is to extend knowledge of their desirable values to the public. This is the universal practice followed by all industries seeking to establish the reliability of their products in the minds of the public. The rag and waste industries, and those wool textile manufacturers who believe that they will gain certain competitive advantages are endeavoring to bypass this accepted formula of American enterprise. Instead they are asking Congress to legalize their use of terminologies designed exclusively to describe new higher cost raw materials of superior quality, to describe reused, lower cost, damaged, secondhand materials.

WOOL INDUSTRIES PROTECTED BY SUBSIDIES AND TARIFFS

The woolgrowing and the wool-textile manufacturing industries are among the most highly subsidized and tariff protected industries in the country. The appropriations for the United States Department of Agriculture in the present national budget contains an item for more than \$57,500,000 which represents the cost of administering the National Wool Purchase Act of 1955. Under this act American woolgrowers are being paid a subsidy by the Government of approximately 19.6 cents for every pound of apparel wool grown in 1956.

The market value of this wool at private sales and at Government conducted auctions averaged 42.8 cents per pound. With the subsidy payment the total amount received by growers averaged an "incentive level" price of 62 cents. The subsidy payment averages 44.9 percent of the total amount received by each grower for his wool clip.

Foreign apparel wool imported into this country pays a tariff of 27 cents per pound. Efforts are now being made to have this tariff increased, on the plea that, despite present incentive payments, imports of raw wool are in such large quantities that they are a serious threat to the domestic woolgrowing industry.

As part of the present program to increase the production of domestic wool, the Commodity Stabilization Service of the Department of Agriculture deducts annually from its payments to wool growers approximately \$3 million which is being expended to promote and increase consumption of domestic wool, and of lamb as meat. Of this total, approximately \$1 million is being spent to develop and sustain the steadily diminishing wool textile markets. Funds for this program are obtained from tariff duties paid into the Treasury on foreign wool and wool textile imports.

The reason for the wool subsidy is that wool is regarded as a basic strategic material to both our peacetime and national defense economies. Despite the operation of this subsidy, and the promotion of wool and wool products production of domestic wool declined 2 percent in 1956, and production of woolsens and worsteds declined 4 percent. Virgin-wool consumption in 1957 fell to new lows, on a per capita basis, due to volume of imports and competitive fibers.

Foreign wool textiles imported into the United States are assessed a tariff of 35 percent ad valorem, plus a specific duty of 35 cents per pound on their wool

content. Within the past 6 months, by Presidential proclamation, duties on imports of wool textiles have been increased to 45 percent ad valorem when they reach a total of 5 percent of domestic wool textile production. Wool textile manufacturers, with the support of State and National officials and legislators, are now seeking to have present duties increased, and to restrict imports on a quarterly quota basis.

All of these protective devices have been invoked to encourage domestic wool growing and to protect American wool textile industries against lower cost foreign competition.

The enactment by Congress of a law which would abolish the present Wool Labeling Act, would be to nullify these efforts by authorizing a new domestic industry empowered to make undisclosed use of lower cost fibers as substitutes for new wool.

THE WOOL PRODUCTS LABELING ACT

The present Wool Products Labeling Act which became law in 1939 after a struggle lasting 30 years, during which the most voluminous testimony, pro and con, was amassed. The existing law was passed by Congress after 3 years of continuous effort, supported by industry; the public, as represented by civic and consumer organizations; labor, including local, regional, and such national organizations as the American Federation of Labor; agricultural groups, veterans organizations, including the American Legion; women's clubs, including the General Federation of Woman's Clubs; and home-economics teachers and their representatives.

The testimony adduced during these hearings set forth clearly why such a law was deemed imperatively necessary for the protection of the public, and of the woolgrowing and wool-textile industries. These reasons not only exist today, but have become more critical.

The Wool Products Labeling Act contains three definitions for wool, viz: Wool, reprocessed wool and reused wool. The Federal Trade Commission has added a further definition, i. e., virgin wool. It is admitted that the multiple definitions are onerous and could be simplified without damage to the public interest. These definitions, however, are the direct result of the intense and emotional opposition to the bill, when it was before Congress. Originally the proponents of the bill asked for only two descriptive definitions: "Wool" and "reprocessed" or "reclaimed" wool. The term "wool" was to have defined new wool being used for the first time in the complete manufacture of a textile product. All other wool, including wastes, and fibers garnered from new or old rags, was to have been designated as "reprocessed" or "reclaimed" wool.

As finally passed the term "wool," which may be promoted, advertised, and sold as "pure wool," "100 percent wool," "all wool," and like terms guaranteeing the newness of the fiber used, includes a wide variety of wastes, both dyed and undyed, accumulated during manufacture, up to, but not including, felting and weaving. It includes knitted clips of new wool, which are wastes from the manufacture of knit products. This wide application of the term "wool," indicating that the fiber is new gives manufacturers access to a quantity of semimanufactured wool products which amount to 10 percent and more of the total amount of wool consumed in the industry.

Because of the inclusion of these wastes in the term "wool," the Federal Trade Commission defined "virgin wool," as new wool being used for the first time in the complete manufacture of a wool product, to protect those manufacturers using new wool only.

The term "reused wool," was included in the present labeling law by the Senate Interstate Commerce Committee as the direct result of a request by the late Irwin Fox, then legislative representative for the National Retail Dry Goods Association. The printed record of the hearings will show that Mr. Fox complained against being obliged to purchase textile products containing yarns recovered from "old rags." He declared that his organization would want the source of those yarns revealed to the buying public.

Mr. Fox's attitude in 1939 would seem to be at variance with the present attitude of the National Retail Dry Goods Association. At a meeting in June 1956, in the New York offices of the association, with a committee discussing the present legislation, the writer urged the association to support the continuance of the Wool Labeling Act, or of a substitute which would maintain the differentiation between new and previously manufactured or used wool. A spokesman for the association, who had assisted in drafting a labeling bill, introduced into

the Senate last session by Senator Barry Goldwater of Arizona, stated: "We have made no provision for wastes so far as other fibers are concerned, and see no reason for making an exception of wool."

WOOL TEXTILE INDUSTRY A "COPYING" INDUSTRY

The American wool textile industry is a "copying" industry. Textiles made by the "name" mills whose products have set standards in quality and construction, and in wide fashion and public acceptance, are immediately copied downward in a succession of lower price ranges, almost before first quantity deliveries of the original fabrics have been made. Copying is an accepted industry practice. Selling information and samples of new lines of high quality, high fashion wool textiles is a well-established, international industry. Individual retail stores subscribe to information services and groups of retail stores conduct their own services on behalf of their members.

This copying, or "style piracy" practice was described by the late Arthur Besse, then president of the National Association of Wool Manufacturers before the House Foreign and Interstate Commerce Committee on July 8, 1937, during a hearing on one of the labeling bills then pending in Congress. The situation which he described then was foreign and domestic.

Mr. Besse declared that the practice of using from 25 to 50 percent substitute fibers in the industry "deceived" the customer, and made it difficult for manufacturers to maintain high standards of quality. Mr. Lea of California, asked Mr. Besse: "Is it not rather difficult for a manufacturer to preserve his standards, if he desires to preserve a high standard, in view of competition?"

Mr. Besse, replied "of course it goes further than that. It is quite common to bring out a certain fabric that may be all wool and have it duplicated by another manufacturer with something that perhaps is all wool but an inferior, cheaper fabric. Then someone wants to take the same fabric and make it with 25 percent rayon or 50 percent cotton, which, of course, practically kills the business of the original manufacturer who is putting out a high-grade all-wool fabric, if the manipulated fabric is sold on the basis of being a comparable fabric. But if the manipulated fabric is sold on the basis of what it is, it will be a certain protection to the manufacturer who wants to make a high-grade all-wool product."

This statement was made at a time when, as at present, the National Association of Wool Manufacturers opposed legislation which would reveal the percentage of fibers present in a textile sold as wool, and opposed also, any differentiation between new wool, reprocessed and reused wool. A basic claim of the association spokesmen, was that such a law was impossible to enforce. The record of the Federal Trade Commission's successful enforcement of the existing law is adequate refutation of this claim.

CONCLUSION

There are four separate bills pending before the House and Senate which would regulate the labeling of the fiber content of textile products. An entirely artificial element of having one labeling bill which would cover all textiles is being used as a weapon to obtain the repeal of the present Wool Labeling Act. Wool is one of the most costly, as well as mankind's most necessary fiber. It lends itself to remanufacture when it is strengthened by new wool, to recovery from used products, better than any other fiber.

Wool's vital importance to our peace time economy, and our national defense, is full recognized. Wool textile manufacturers, as well as growers, base their present unprecedented appeals for protection against ruin by foreign competition, on these bases. The enactment of legislation which would destroy the Wool Labeling Act would, in effect, open the way to replacing the shepherd with the old clothes man, and the sheep with the rag bag. The protection now given wool and wool textiles would chiefly benefit manufacturers using undisclosed substitutes.

The difference between the protection and service values of wool and of shoddy, as it was then known, were exemplified in testimony before the Senate Military Affairs Committee, in 1917. "Shoddy" or "reused" wool had been incorporated into army uniform materials with disastrous results. A review of this testimony by Army and Navy officers, in what became nationally known as "the shoddy scandal" is absolutely essential in any consideration of the

present effort to eliminate existing requirements that the kind of wool used in textile products, i. e. whether new, reprocessed or reused, be disclosed to the public.

For the reasons cited in this statement, it is strongly urged that Congress retain the present Wool Products Labeling Act, and make it an integral part of any textile labeling law which is adopted.

CHAMBER OF COMMERCE,
Indianola, Miss., February 26, 1958.

HON. JOHN C. STENNIS,
*Senate Office Building,
Washington, D. C.*

DEAR SENATOR STENNIS: Recently, we directed a request to Hon. Frank E. Smith concerning certain legislation pending in the Senate, and we are taking the liberty to repeat that request for your information.

"After having assembled in our Indianola Chamber of Commerce this morning, our executive, legislative, and industrial committees directed me to express to you the results of our discussion.

We have followed with interest your commendable efforts in regard to our cotton industry, particularly with reference to your sponsorship of H. R. 649 providing for the fiber content marking of cotton or part cotton products. However, it has just come to our attention that your bill providing for the fiber content markings of rugs and carpets does not require the content of jute or paper-backing yarns to be shown. From the consumers point of view, we think that the components in the back are just as important as those in the face of the carpet since the back construction holds the carpet together. Deterioration, or the use of cheap materials, in the back may cause the carpet to fall apart or wear out prematurely.

In view of the rapidly developing jute yarn business in Indianola, the chamber of commerce most earnestly desires that the bill be amended to show, along with the other components of rugs and carpets, the proportion of jute yarn and or paper included. Such an amendment would be very much to the interest of the industry in Indianola and would certainly provide increased protection to the consumer."

Recent news releases have indicated that you are giving this legislation your support. However, we just wanted you to know that we are vitally interested in what you are doing, and we hope that you will continue your good work for the passage of H. R. 469 with the amendment that the fiber content of the backing used in rugs and carpets be included in the legislation. Congressman Smith thinks that it would be helpful if you could make this recommendation to the Senate Interstate Commerce Committee.

Thank you for your most faithful support.

Respectfully yours,

J. STEWART FRAME,
President, Indianola Chamber of Commerce.

ROYAL FOUNDATIONS, INC.,
New York, N. Y., March 7, 1958.

HON. WARREN G. MAGNUSON,
*Senate Office Building,
Washington, D. C.*

DEAR SENATOR: I am writing to you with reference to bill H. R. 469 which deals with the revision of requirements on manufacturing labels.

Under the present statutes the various fibers used in the manufactured products are clearly indicated on the label.

The bill proposes a breakdown by percentage of each fiber to be listed on the label. This would cause a tremendous hardship in the manufacturing process as each size of a particular style would require a different label as the percentages vary. This information would not only be impracticable to apply in a mass production factory, but would tend to confuse the ultimate consumer instead of helping her.

As neither the consumer nor the manufacturer has any thing to gain by the passage of this bill, I strongly urge you to do your part in defeating this proposed legislation.

Very truly yours,

MURRAY GRAY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 10, 1958.

HON. WARREN G. MAGNUSON,

Chairman, Committee on Interstate and Foreign Commerce, United States Senate, Washington, D. C.

DEAR SENATOR MAGNUSON: I appreciated very much the opportunity to appear before your committee in behalf of H. R. 469, legislation which I introduced and which was passed by the House of Representatives last August. I appreciated, too, the courtesy of the committee in permitting me to sit in on the hearings and to answer the questions of committee members.

The basic purpose of H. R. 469 is consumer protection. It will also benefit fiber producers, reputable textile manufacturers who must compete with less scrupulous ones, and reputable retailers who must also do business in a highly competitive market.

The legislation will be of real benefit to all these groups. The implication was made, before your committee, that the bill had been discussed with none of the interested parties, and I would like to point out that I spent several days in New York City in October 1956 for the specific purpose of meeting with textile and garment manufacturers to discuss it; we also had the assistance of the Federal Trade Commission staff in drafting it, always with a view to providing the best possible protection for the consumer.

Several witnesses appeared in opposition to the bill, most of them textile and garment manufacturers whose basic objection seems to be simply that they don't want to be required to tell the consumer what they are selling her.

It was said that disclosure of fiber content would be of no benefit to the consumer. In fact, with the wealth of education material made available to her in recent years through the efforts of the textile manufacturers and the national magazines, as well as her own experience, the average consumer is remarkably well informed on the characteristics of individual fibers, and will be even more so in the future.

It was said that the Federal Trade Commission already has adequate authority to prevent misrepresentation. In fact, the Commission is completely without authority at the retail level of selling and advertising, which is where the consumer is put at risk.

It was said that the additional labeling requirements of this act would create confusion. Actually, its enactment will eliminate confusion, because it will replace several differing sets of trade practice rules for some fibers with one set of regulations covering all fibers except wool, which is already covered by law.

Finally, it was said that enactment of this legislation would place a ruinous cost burden on someone. The garment manufacturers, when they testified, said the burden would be on them. The textile manufacturers, who supply the garment manufacturers, said when they testified that the burden would be on them.

This testimony as to cost, unsupported as it was, disturbs me, particularly because it is the least founded and the loudest asserted. No one who has appeared before either the Senate or the House committee has offered any evidence of what this cost would be. Everyone who has appeared has admitted that the reputable manufacturers, whether they manufacture fabrics for sale to other manufacturers or end products for sale to consumers, already label their products in some form and in some instances label them as to fiber content.

Mr. Bachenheimer, who appeared before your committee in behalf of the textile and garment manufacturers, and with whom I have discussed this legislation many times, has conceded to me that the cost of labeling under this act would be negligible. Mr. Bachenheimer is an executive of a subsidiary of Dan River Mills and appeared before the House committee in behalf of Dan River Mills. He did not then discuss cost as a factor.

Despite this, Mr. Daniel, when he appeared before your committee in behalf of Dan River, stated that if this legislation were enacted, it would put Dan River Mills out of business. He cited no cost figures to support this astonishing

statement; on the contrary, he admitted that Dan River already labels most of its fabrics, except so-called bundle goods, because its customers want the labels. He cited the bundle goods as an insurmountable cost obstacle to compliance with this act, yet the Federal Trade Commission tells me that under existing regulations, which would also obtain under this act, bundle goods may be labeled as such, thus entirely eliminating the only specific cost example presented to the committee.

Much was made, at the hearings, of the fact that while the National Cotton Council of America endorses this legislation, the textile manufacturers who are its members do not. It seems strange to me that these same manufacturers, who are voting delegates to the council, have sat for 3 successive years in council meetings at which resolutions endorsing the legislation have been unanimously adopted without raising their voices. Surely, if enactment of this legislation would spell ruin for them, they would have been compelled, in their own interest, to speak out, to make that endorsement at least less than unanimous, but they have not done it.

With some form of labeling already widespread among reputable manufacturers, and with fiber content the only reliable and generally acceptable measure that can be given the consumer, it seems to me that the objections raised are merely delaying tactics. As was pointed out at the hearings, almost identical arguments were made in opposition to the Wool Products Labeling Act, and all of them have proved groundless in the years since that act became law.

This is vitally needed legislation, affording as it does the only practical and enforceable form of protection that can now be given the consumer when she buys textile products, and I hope that your committee will act on the bill in the very near future, reporting it favorably to the Senate so that it can become law during this session of the Congress.

Cordially,

FRANK E. SMITH,
Member of Congress.

THE WARNER BROTHERS CO.,
March 5, 1958.

HON. PRESCOTT BUSH,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: The Warner Brothers Co., has been in existence in the State of Connecticut since 1894, with its main office at Bridgeport.

It manufactures ladies' foundation garments otherwise known as girdles and bras, and is one of the leaders in the industry.

At the present time, our merchandise is labeled under existing statutes on the basis of fiber content in the order of prominence by weight.

H. R. 469 would require that the fiber content be listed in percentages and this would be a great burden on us and other people in our industry, particularly in view of the fact that, depending on the style and the size of a garment, the percentage of fiber content might vary from one size to the next. Just think of having to stock labels carrying a percentage of fiber content by various sizes. For example, a size 32 bra with an A cup might have an entirely different percentage from the same style in size 36 D.

We make certain styles in sizes 32 to 44, and in A, B, C, and D cups.

Certainly, the consumer will know no more about the product if she were to know the percentage of fiber content than she does presently.

We strongly urge that you oppose any such legislation.

Very sincerely yours,

SAMUEL G. PAYNE,
Secretary and General Counsel.

AMERICAN CARPET INSTITUTE, INC.,
New York, N. Y., March 6, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Interstate and Foreign Commerce Committee,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR MAGNUSON: The American Carpet Institute, Inc., representing those firms shown on our letterhead which firms produce at least 95 percent of all woven carpets and approximately 65 percent of all tufted carpets, wish to inform you that we, by due action by our board of trustees, approve enactment of H. R. 469 as it passed the House of Representatives.

We feel that the American public is entitled to know the fiber content of carpets and rugs manufactured in this country or by foreign producers. We strongly feel that the country of origin should be required as well on imported goods.

We strongly object to the suggested amendment that the backing material of the carpet should be identified. The act as it passed the House in section 12 (a) (6) specifically exempts backing of floor coverings. We feel this exemption should stand since it is not in the public interest that it be required. It is not the practice of carpet manufacturers to identify backing material nor has it been at any time in the past.

Respectfully yours,

PAUL M. JONES.

NEW YORK BOARD OF TRADE, INC.,
MERCANTILE SECTION,
New York, N. Y., April 8, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
United States Senate, Washington, D. C.*

DEAR SIR: The bill, H. R. 469, which provides for identification of the contents of textile products, has passed the House and is now before the Senate.

The mercantile section of the New York Board of Trade, Inc., respectfully requests that you support this bill with the amendments. These amendments have been proposed by the National Retail Merchants Association and approved by the American Retail Federation. These changes will relieve retailers of the objectionable and seriously burdensome requirements of the bill in its present form.

Respectfully submitted,

ROBERT T. WALSH,
Executive Vice President.

COLORADO RETAILERS ASSOCIATION,
Denver, Colo., March 25, 1958.

HON. GORDON ALLOTT,
Senate Office Building, Washington, D. C.

DEAR SENATOR ALLOTT: It is our understanding that early Senate action is expected on H. R. 469, the Textile Fiber Products Identification Act. If this bill is due to pass the Senate we hope you will give your support to the amendments listed at the end of this letter. The amendments were prepared by a committee representing both retailing and textile manufacturing, and are designed to minimize the administrative problems and added costs that invariably accompany the introduction of new regulation of business by law.

We qualify our request for favorable action on the proposed amendments because we would rather not see H. R. 469 passed at all.

Our experience with labeling legislation dates back to the early 1930's, when a representative of the Wyoming woolgrowers attempted to push through the Colorado Legislature a so-called truth-in-fabric bill. We never have been able to see much justification for this type of legislation. Its enforcement adds to the cost of Government and to the cost of producing and distributing merchandise, while the consumer, its purported beneficiary, with rare exceptions, neither understands nor is interested in it.

However, if H. R. 469 is due to pass, we believe the amendments here suggested will in no way defeat the purpose of the law but will make it easier for business to conform to its requirements. The amendments follow:

1. Eliminate mandatory disclosure of percentages except when a textile product contains 10 percent or less of a fiber and the fiber is mentioned.
2. Deletion of the words "or processed" in connection with imported goods, so as to do away with undue harassment of retailers resulting from unwarranted and complicated label information.
3. Removal of all references to advertising to bring this proposed law into line with the Wool Products Labeling Act of 1939 and to prevent confusion to the retailer and conflict between these laws.
4. Exemption of packages or bundles of mixed fabrics or of remnants from labeling requirements.

5. Deletion of exemption as to labeling requirements of packaged goods so as to relieve retailers from burden of labeling goods sold from broken packages and of keeping records thereof.

Sincerely,

GEO. A. FLANNIGAN,
Manager.

AMERICAN HOME ECONOMICS ASSOCIATION,
Washington, D. C., April 2, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Interstate and Foreign Commerce Committee,
United States Senate, Washington, D. C.*

MY DEAR SENATOR AND MEMBERS OF THE INTERSTATE AND FOREIGN COMMERCE COMMITTEE: The American Home Economics Association, whose members are technically interested in all aspects of home economics and its contributions to the well-being of families, wish to express its support of H. R. 469, the Textile Products Identification Act. These groups include the textiles and clothing section of the association, the consumer interests committee, and the committee on legislation. These not only are concerned with the technological developments in the textile field, but also with the impact of such legislation H. R. 469 on the consumer. It is our belief that consumers can make more intelligent choices in the textile field if they have information such as H. R. 469 would provide.

For 38 years the association has stressed the importance of standardization and labeling of consumer goods. Activities have ranged from education of the consumer to existing standards, representation of the consumer through membership in the American Standards Association, positive support for the adoption of legal measures "that will help assure identification of fibers to protect the consumer and to facilitate wise buying." Included in one of its current programs of work are the objectives, "to promote standards of quality and identity which benefit the consumer," and "to promote informative and descriptive labeling and advertising of consumer goods and services in standardized terms." Textile products constitute a significant portion of consumer goods, and the technological developments in this field have increased the importance of informative labeling.

We favor H. R. 469, "the Textile Products Identification Act" with the following exceptions:

Section 12: We believe that outer coverings of furniture, backings of floor coverings, sewing thread, and headwear should be covered by provision of this bill.

Section 4 (b) (4): We believe that the country of origin is unimportant to the consumer's welfare and need not be on the label. The Tariff Act of 1930 requires this on the invoice of imported goods and is sufficient. This provision should be deleted.

Section 4 (c) states that: "For the purpose of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless such written advertisement contains the same information with respect to fiber content as that required to be shown in the stamp, tag, label, or other identification under section 4 (b)." We believe this paragraph should be amended to include all advertising including its use in radio, TV, and other forms of sales representation not made in writing.

The association favors informative labeling of textile products which (a) includes fiber identification and (b) performance or end-use standards (c) is stated in standardized terms, and (d) is presented on labels so affixed as to remain on the products permanently for the consumer's use in care and maintenance. If, however, the more inclusive mandatory informative labeling recommended is not feasible at this time, we favor fiber identification now and encourage the inclusion of mandatory standards as they become available.

The association urges the Senate Committee on Interstate and Foreign Com-

merce to give serious consideration to the association's recommendations and to report favorably a bill which will be in the best interest of the consumer.

We ask that this statement be included in the record.

Very truly yours,

DOROTHY JOHNSON
Mrs. Dorothy Johnson,
Chairman, AHEA Legislative Committee.

THE HECHT Co.,
Baltimore, Md., March 28, 1958.

HON. JOHN MARSHALL BUTLER,
*Senator of Maryland, Senate Office Building,
Annapolis, Md.*

DEAR JOHN: I understand that you are a member of the Senate Interstate and Foreign Commerce Committee that has before it the subject of the Textile Fiber Products Identification Act (H. R. 469).

As a retailer I would like to call your attention to the proposed House bill which all retailers will have to face if this passes the Senate. The bill, as written, will increase costs, add burdens and create undue harassment from enforcing authorities to the millions of retail businesses.

If it is the intent of the Senate to have this law workable and acceptable to retailers, the following changes should be included in the Senate bill:

1. Elimination of mandatory disclosure of percentages except when a textile product contains 10 percent or less of a fiber and the fiber is mentioned.
2. Deletion of the words "or processed" in connection with imported goods, so as to do away with undue harassment of retailers resulting from unwarranted and complicated label information.
3. Removal of all references to advertising to bring the proposed law into conformity with the Wool Products Labeling Act and to prevent confusion to the retailer as to the scope of these laws.
4. Exemption of packages or bundles of mixed fabrics or of remnants from labeling requirements.
5. Deletion of exemption as to labeling requirements of packaged goods so as to relieve retailers from burden of labeling goods sold from broken packages and of keeping records thereof.

I would appreciate your efforts to modify this bill in the Senate with the suggested changes mentioned above.

Sincerely yours,

SAMUEL M. HECHT, *Chairman of the Board.*

MIAMI, FLA., *March 31, 1958.*

Senator GEORGE SMATHERS,
Washington, D. C.:

As retail furniture merchants throughout Florida area we express our opposition to compulsory textile labeling bill. It is our opinion that quality of fabric construction and not fiber content is merit good material. It would be appreciated if you would consider keeping the exemption for outer coverings of furniture in this bill and the knocking out of sections 3 (b) and 3 (c), which would make the bill apply to local retailers whether he does interstate business or not.

HEMLY FURNITURE Co.,
CHARLES F. HELMLY, Jr.

WOLFF'S,
Aberdeen, Wash., March 26, 1958.

Senator WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: I am a retailer in Aberdeen, Wash., and have considerable concern about Textile Fiber Products Identification Act H. R. 469.

I have been a member of the National Retail Merchants Association for many, many years, and have observed them to be equally concerned with merchant's problems as well as the consuming public.

You are undoubtedly aware of the changes which they have recommended, but I shall list them just in case they have not come to your attention.

1. Elimination of mandatory disclosure of percentages except when a textile product contains 10 percent or less of a fiber and the fiber is mentioned.

2. Deletion of the words "or processed" in connection with imported goods, so as to do away with undue harassment of retailers resulting from unwarranted and complicated label information.

3. Removal of all references to advertising to bring the proposed law into conformity with the Wool Products Labeling Act and to prevent confusion to the retailer as to the scope of these laws.

4. Exemption of packages or bundles of mixed fabrics or of remnants from labeling requirements.

5. Deletion of exemption as to labeling requirements of packaged goods so as to relieve retailers from burden of labeling goods sold from broken packages and of keeping records thereof.

The responsibilities of retailers are increasingly greater and we do hope that increased costs and burdens which would accompany this act 469 will not be imposed upon us.

I shall be very grateful for your consideration and will look forward to having a visit with you when you return to our good State of Washington.

Very truly yours,

JOEL WOLFF.

SEATTLE, WASH., March 28, 1958.

Senator WARREN G. MAGNUSON,

Senate Office Building, Washington, D. C.:

Strongly opposed to H. R. 469 unless amended as recommended by National Retail Merchants Association and Textile Manufacturers as written. Would create undue hardship and expense.

L. E. LEAN,

President, Bon Marché, Seattle.

SEATTLE, WASH., March 14, 1958.

Senator WARREN G. MAGNUSON,

Senate Office Building, Washington, D. C.:

Please vote to keep the exemption for outer coverings of furniture in H. R. 469 and to remove from H. R. 469 sections 3 (b) and 3 (c). An expensive burden would be placed on us retailers that would not justify to our consumers the desired result. Constuction, finish, and quality of a fabric rather than the relative quality of fibers used are important contributing factors of satisfactory performance in our field and there is not a retailer in our business today I am sure who is not bringing this point to his consumers on the retail floor and our manufacturers of upholstery, drapery, and flood covering fabrics have greatly improved their performance standards because of our increased demands for quality when purchasing. Thank you for any consideration you can give our request.

ARTHUR AMBROSE,

Manager, Grand Furniture Co.

SEATTLE, WASH., March 28, 1958.

Re H. R. 469, Textile Fiber Products Identification Act

Senator WARREN G. MAGNUSON,

Senate Office Building, Washington, D. C.:

We concur with American Retail Federation, National Retail Merchants Association, and textile manufacturers that bill be defeated unless amended in accord with their recommendations. In form passed by House would burden our member stores with increased expense, more redtape of keeping records, and time-consuming inspections.

ROBERT R. STOAKS,

President, Tacoma Retail Trade Bureau.

THE AMERICAN COTTON MANUFACTURERS INSTITUTE, INC.,
Washington, D. C., March 3, 1958.

HON. WARREN G. MAGNUSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR MAGNUSON: It has been reported to us that some members of the Interstate and Foreign Commerce Committee are not clear regarding the attitude of American Cotton Manufacturers Institute toward the so-called textile fiber labeling legislation now pending before the committee. Since our organization includes in its membership a very substantial majority of the cotton and manmade fiber textile manufacturers, we felt it important to clarify the situation.

Perhaps the confusion has arisen from the fact that the National Cotton Council in its testimony supporting the legislation referred to the fact that all segments of the cotton industry (including textile manufacturers) have joined in the council's position. At the same time, there has obviously been opposition to the legislation from some individual textile manufacturers and from many related groups, particularly the garment and apparel producers.

The National Cotton Council is a delegate body, with representation from each of the six branches of the raw cotton industry—farmers, ginnermen, merchants, warehousemen, spinners, and cottonseed crushers. The council cannot take a position on any matter except by approval of two-thirds of the delegates representing each of the six segments. Thus, any proposal can be vetoed by the delegates representing any 1 of the 6 segments.

When the subject of fiber labeling first was considered by the council about 3 years ago, it was the opinion of the textile delegates that they should not exercise their veto power on the proposal. However, the textile delegates made it clear that their failure to veto the proposal in no manner involved a commitment for American Cotton Manufacturers Institute to support legislation on the subject. In fact, it was stated at the time that should our industry's primary customers, the garment and apparel manufacturers, oppose the legislation, the American Cotton Manufacturers Institute almost certainly would not be among the supporters.

As you know, substantial opposition has developed among garment and apparel manufacturers. Furthermore, there is a difference of opinion among textile manufacturers as to the impact of the legislation on our own industry. Accordingly, after considering all aspects of the subject, the board of directors of American Cotton Manufacturers Institute has adopted a position of neutrality. We are not supporting the legislation, neither are we opposing it.

It goes without saying, of course, that in taking this position of neutrality as an organization, individual member mills were left free on their own behalf to either support or oppose the measure.

A copy of this letter is being sent each member of the Senate Interstate and Foreign Commerce Committee. If it is in order, we shall appreciate your making the letter a part of the record of the hearings on the subject.

Respectfully yours,

ROBERT C. JACKSON,
Executive Vice President.

SOUTH SAN FRANCISCO, CALIF., *March 10, 1958.*

Senator THOMAS KUCHEL,
Senate Office Building, Washington, D. C.

Respectfully solicit your support and help in regard to H. R. 469 Textile Fiber Products Identification Act being heard before Senate Committee on Interstate and Foreign Commerce under chairmanship of Hon. Warren J. Magnuson. The National Association of Furniture Manufacturers has performed much work to define and maintain performance standards of fabrics. This yields far superior consumer protection and satisfaction than mere fabrication identification as proposed under H. R. 469. Such fabric identification thus proposed can be very misleading to consumers particularly since they are without a technical knowledge of fabric construction. We respectfully urge you to advise the House of Repre-

sentatives hearing committee to retain the furniture fabric covering exemption from H. R. 469 as agreed upon by them only after an extensive study and many weeks of testimony.

Upholsterers Manufacturers Association of Northern California; American Chesterfield Manufacturing Co.; American Upholstery Co.; Avenue Upholstery Co.; Berkeley Chair & Lounge Co.; S. Brown Co.; Dependable Furniture Manufacturing Co.; Dependable Furniture & Drapery Co.; Dreamland Bedding Co.; Elite Upholstery Co.; The Lisle Fike Upholstering Co.; Hayes Manufacturing Co.; Hemmingsen & Folsom; Hildebrand Upholstering Co.; John Furniture Corp.; John Logvy Co.; McGrouther Conradi Co.; Metropolitan Furniture Manufacturing Co.; Modern Furniture Manufacturing Co.; National Upholstering Manufacturing Co.; Quality Design; Styles Trend Furniture Corp.; Sutter Furniture Manufacturing Co.; Western Furniture Shops.

FRESNO, CALIF., February 28, 1958.

HON. THOMAS KUCHEL,
United States Senate, Washington, D. C.

The board of directors, Fresno Cotton Exchange, unanimously in favor of textile labeling bill S. 1616. We strongly urge your support in the passage of this bill.

A. KIRBY SABIN, Jr.,
President, Fresno Cotton Exchange.

LUDLOW MANUFACTURING & SALES Co.,
Stockton, Calif., March 5, 1958.

HON. THOMAS H. KUCHEL,
United States Senate, Washington, D. C.

DEAR MR. KUCHEL: The soft fiber industry, of which this company is a member, manufactures jute products, and one of our principal items is jute yarn used in the backs of carpets and rugs. We are vitally interested, therefore, in the way in which floor coverings are described to the ultimate purchaser.

There is now before the Senate, and under consideration by the Interstate and Foreign Commerce Committee, a bill (H. R. 469 and S. 1616) passed at the last session of Congress by the House of Representatives and dealing with the disclosure by suitable markings of the fiber content of textile products. In the bill as it passed the House "backings of floor coverings" were exempt from its provisions. As a member of the soft fiber industry, we believe that such an exemption is not logical and is not in the interests of the consumer to whose protection the bill is directed.

A carpet or rug is an entity; its performance depends on the structure and composition of its back as well as its face. The back, moreover, is a substantial part of the rug both by weight and value. The bill calls for an indication of the fiber used in the face and it seems thoroughly reasonable, therefore, that similar provisions should apply to the materials in the back. This is especially true because one of the materials not infrequently used as a substitute for jute yarn is made from paper; and such a substitution obviously is of material consequence. The backing fiber determines wear, handling characteristics, retention of shape and fit, and resistance to dry cleaning or laundering at least as much as the fibers used for rug facing; the tensile strength, stretch resistance, flexibility, grip, and performance characteristics of jute yarn are superior to those of paper yarn. We believe, therefore, that not only should the consumer be informed of the composition of the back of the rug, as he will be of the composition of the face but, also, that he is entitled to that information. We, as individual consumers, would expect to be advised of the complete fiber content of textile products, including rugs and carpets, which we would purchase; and we believe that you, as a consumer, would expect the same information. In other words, one would not wish to purchase a suit of clothes, for example, without being advised of the complete fiber content; the same would hold, we feel, for any textile product.

Accordingly, we believe elimination of the exemption of rug backings to the bill's requirements is directed to the interests of the consumer of carpets and rugs and that it allows him to make a logical choice of the materials that he is buying.

We trust that when this matter comes before the Senate, our proposed amendment will have your favorable consideration.

Yours very truly,

WM. E. KICHLINE, *Manager.*

JOHN T. LODGE & Co., INC.,
Watertown, Mass., February 26, 1958.

SENATOR WARREN G. MAGNUSON,
Chairman, Senate Interstate and Foreign Commerce Committee,
Washington, D. C.

HONORED SIR: This is to confirm having sent you the following wire:

"Based on 19 years' actual experience with the Wool Products Labeling Act of 1939, all interested parties, including the consumer, would be better served with labeling of virgin wool and all other wool fibers as reprocessed wool. The same classification to apply to virgin or original synthetics all others reprocessed.

"The present Wool Labeling Act invites disregard for law and labeling, and cannot be properly policed. Same conditions would prevail if synthetics labeled 'reprocessed' and 'reused.' One bill or law on labeling permitting original or virgin wool or virgin synthetic and all other wool or synthetic classified as reprocessed could be enforced, would not invite disregard for law, would amply protect consumer through competition of all businesses for sales of their particular product."

Very truly yours,

JAMES J. DUGAN.

PHILADELPHIA WOOL & TEXTILE ASSOCIATION,
Philadelphia, February 28, 1958.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: The Philadelphia Wool & Textile Association wishes to endorse the testimony on S. 1616 and H. R. 469 which was presented to your committee on February 25 by Mr. J. A. Crowder of the law offices of Clinton M. Hester on behalf of the Boston and National Wool Trade Associations.

Our association is the organization of the wool trade industry in the Pennsylvania and New Jersey areas. Included in our membership are wool dealers, scourers, combers, topmakers, and manufacturers.

We would very much appreciate your including our endorsement of Mr. Crowder's testimony in the record of the hearings on S. 1616 and H. R. 469.

Respectfully,

I. J. HORSTMANN II, *President.*

MILLINERY STABILIZATION COMMISSION, INC.,
New York, N. Y.

In re H. R. 469, Textile Fiber Products Identification Act.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.

MY DEAR SENATOR MAGNUSON: I am writing because I am reliably informed that suggestions have been made to the Senate committee for the elimination of the exemption of "Headwear" contained in section 12 (a) (11) of H. R. 469 from the act.

The Millinery Stabilization Commission, Inc., is an organization originally set up in 1936 at the suggestion of Mayor Fiorello La Guardia, of New York, and sponsored jointly by the United Hat, Cap and Millinery Workers Union and the Millinery Manufacturers Associations of the metropolitan area of New York. At least 70 percent of the millinery manufactured in the United States is manufactured in this area. Practically every manufacturer in this area is a member. In addition close and harmonious relations are maintained with millinery manufacturers in other areas of the United States. I am also executive director

of the National Council of Millinery Associations which represents most of the millinery manufacturers in other areas of the United States. I, therefore, can with confidence state that I voice the views of practically every millinery manufacturer in the United States.

PURPOSES OF THE ACT

Report No. 986 of the House of Representatives which accompanies H. R. 469 indicates the needs for the labeling requirements of the bill are that synthetic fibers have been mixed or blended with natural fibers to the extent that the ultimate consumer may be misled regarding an article which she purchases concerning its: durability, launderability, strength, shrinking, or unsatisfactoriness in some other particular.

None of these applies to millinery. The value of millinery lies almost exclusively in its design. Millinery is not purchased for its durability, launderability, strength, shrinkproof qualities, etc. A hat made of the most durable fabric known, or of the strongest fabric known would not be acceptable to the consumer unless it had eye-appeal, design, and fashion. A hat is never laundered or sent to the dry cleaners. It is not subjected to stress or strain as are other articles of attire and therefore does not "wear out," instead it is discarded because of fashion-trend changes.

BASIC COMPONENTS OF MILLINERY

There are three principal divisions of types of millinery, distinguished by the basic component of each: Body hats (made from wool-felt or fur-felt bodies): straw or summer hats (made from bodies or braid of natural or synthetic straw); and fabric hats (made from fabric, usually sewn over a frame).

Taking these up in order, it is important that the consumer be warned when she buys a body hat in which the body is made of wool felt. A paradox in American apparel manufacture results from the fact that in this one industry, a wool product is inferior to a body made from the felting of the hair of the rabbit, beaver, or other similar animal. However, the consumer is now protected from any deception in this particular because the content of all-wool bodies is required to be shown under the Wool Products Labeling Act. However, fur-felt bodies are exempt from that act, just as they are from the Fur Products Labeling Act. This exemption is a precedent to be considered here.

Straw or summer hats are made from natural or synthetic bodies or braids. The consumer couldn't care less whether the straw is natural or synthetic. The hat is never sent to a dry cleaner. Most of the synthetic straw is superior in quality of the natural straw, much of both of which is imported, and it would be practically impossible for the average millinery manufacturer to obtain accurate information on whether the basic material going into the synthetic is acetate, rayon, viscose, or variations of these names. Some straws have a base of natural straw over which is processed a synthetic preparation. Some straws are grown in China and sewn in Italy before being imported to this country.

Fabric hats present the same problem. Their chief value lies in their eye-appeal. None will ever be laundered or dry cleaned. None will ever be subjected to stress or strain where durability is a factor. Many times 2, 3, or even more different kinds of fabrics are used in 1 hat. Labels for each would be more conspicuous than the hat and would greatly detract from its salability, and would not help the consumer in the slightest.

The Federal Trade Commission has found that there are more than a hundred thousand different designs of hats produced in the metropolitan area each year. Some of these (spring flower hats) are practically all ornamentation, and many have 3, 4, or 5 different fabrics included. Others may have self-trim and have no ornamentation other than a bow or band made from a piece of the body. Others range in between these two extremes. The millinery manufacturer would be subjected to weighing his ornaments and trimmings against other fiber components to see whether he had to put a label (or perhaps 2 or 3 labels) on each one of the hundred different styles he manufactures in the course of a season.

MAKEUP OF THE INDUSTRY

In the metropolitan area there are about 600 manufacturers of millinery. These range in size from perhaps 10 "giants" who each produce a million dollars or more in annual volume, to large numbers who have only a few employees and produce as small as a hundred thousand dollars in annual volume. The "giants" buy their raw materials from body manufacturers, textile mills, etc., who could supply accurate information for labeling. But the great bulk in number of millinery manufacturers buy their raw materials from supply jobbers whose places of business are located in the millinery district and cater only to millinery manufacturers. Here a millinery manufacturer can purchase his required yardage of ribbon, fabric, braid, or required number of artificial flowers for the number of hats he anticipates producing in the immediate future of any particular style number. These supply jobbers now usually do not even know the precise fiber content of the articles or fabrics they sell. It would be a substantial hardship on these supply jobbers to issue a detailed invoice showing fiber content of each item of raw material sold. And the millinery manufacturer would have to have it on each item because he would not know whether his ornamentation required labeling until he weighed it against his hat. Enforcement would be expensive because I foresee the necessity of a squad of enforcement staff assigned to the raw material wholesaling phase of the millinery industry alone, even though this organization would give its complete cooperation as we always have cooperated with all governmental agencies. And when all is said and done, the American woman does not care whether the bow on her hat is silk or rayon, viscose, or a combination of one or more.

CONCLUSION

For all of these reasons I respectfully urge favorable consideration for the continuance in the bill of the exemption of headwear from the labeling requirements. I hope this letter can be made part of the record on the bill. I have taken the liberty of sending a copy to the other members of the committee.

Yours sincerely,

SAM FINKELSTEIN,
Executive Director.

Senator POTTER. The meeting is adjourned.
(Thereupon, at 6:12 p. m., the committee was adjourned.)

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LEGISLATIVE HISTORY

Public Law 85-897

H. R. 469

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Index and Summary of H. R. 469

Jan.	3, 1957	Rep. Smith introduced H. R. 469, which was referred to the House Interstate and Foreign Commerce Committee. Print of bill.
Mar.	5, 1957	Rep. Mack introduced H. R. 5605, which was referred to the House Interstate and Foreign Commerce Committee. Print of bill.
Mar.	29, 1957	Rep. O'Brien introduced H. R. 6524, which was referred to the House Interstate and Foreign Commerce Committee. Print of bill.
Aug.	1, 1957	House committee ordered H. R. 469 reported.
Aug.	5, 1957	House committee reported H. R. 469 with amendment. H. Rept. 986. Print of bill and report.
Aug.	14, 1957	House passed H. R. 469 with amendments.
Aug.	15, 1957	H. R. 469 was referred to the Senate Interstate and Foreign Commerce Committee. Print of bill as referred.
May	14, 1958	Senate committee ordered H. R. 469 reported with amendments.
June	6, 1958	Senate committee reported H. R. 469 with amendments. S. Rept. 1658. Print of bill and report.
June	23, 1958	Senate passed over H. R. 469.
Aug.	16, 1958	Senator Gore urged consideration of H. R. 469
Aug.	18, 1958	Senate passed H. R. 469 with amendments.
Aug.	20, 1958	Both Houses appointed conferees.
Aug.	21, 1958	Conferees agreed to file a report on H. R. 469.

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Aug. 22, 1958 Both Houses received and agreed to the conference report on H. R. 469. H. Rept. 2695. Print of report.

Sept. 2, 1958 Approved: Public Law 85-897.

Hearings: Before House Interstate and Foreign Commerce Subcommittee on H. R. 469, H. R. 5605 and H. R. 6524; April 1957.

Before Senate Interstate and Foreign Commerce Committee on H. R. 469; February 1958.

DIGEST OF PUBLIC LAW 85-897

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT. Provides for the truthful and informative labeling and advertising of the fiber content of textile fiber products. Specifies conditions under which textile fiber products will be considered as misbranded. Provides for the maintenance of fiber content records by manufacturers. Specifies criminal penalties for the misbranding of such products.

H. R. 469

JANUARY 3, 1957

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Textile Fiber Products
4 Identification Act”.

6 SEC. 2. As used in this Act—

10 (b) The term “fiber” or “textile fiber” means a unit of

1 matter which has a length of at least one hundred times
2 its width or diameter, which is capable of being spun into
3 a yarn or made into a fabric by bonding or by interlacing
4 in a variety of methods including weaving, knitting, braid-
5 ing, felting, twisting, or webbing, and which is the basic
6 structural element of textile products.

7 (c) The term “natural fiber” means any fiber that
8 exists as such in the natural state.

9 (d) The term “manufactured fiber” means any fiber
10 derived by a process of manufacture from any substance
11 which, at any point in the manufacturing process, is not a
12 fiber.

13 (e) The term “yarn” means a strand of textile fiber
14 in a form suitable for weaving, knitting, braiding, felting,
15 webbing, or otherwise fabricating into a fabric.

16 (f) The term “fabric” means any material woven,
17 knitted, felted, or otherwise produced from, or in combina-
18 tion with, any natural or manufactured fiber, yarn, or sub-
19 stitute therefor.

20 (g) The term “household textile articles” means arti-
21 cles of wearing apparel, costumes and accessories, draperies,
22 floor coverings, outer coverings of furniture, furnishings of
23 a type customarily used in a household regardless of where
24 used in fact, beddings, and household textile goods.

25 (h) The term “textile fiber product” means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term “affixed” means attached to the textile fiber product in any manner.

(j) The term “Commission” means the Federal Trade Commission.

(k) The term “commerce” means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term “Territory” includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term “ultimate consumer” means a person who

1 obtains a textile fiber product by purchase or exchange with
2 no intent to sell or exchange such textile fiber product in
3 any form.

4 MISBRANDING AND FALSE ADVERTISING DECLARED
5 UNLAWFUL

6 SEC. 3. (a) The introduction, delivery for introduction,
7 manufacture for introduction, sale, advertising, or offering for
8 sale, in commerce, or the transportation or causing to be
9 transported in commerce, or the importation into the United
10 States, of any textile fiber product which is misbranded or
11 falsely or deceptively advertised within the meaning of this
12 Act or the rules and regulations promulgated thereunder, is
13 unlawful, and shall be an unfair method of competition and
14 an unfair and deceptive act or practice in commerce under
15 the Federal Trade Commission Act.

16 (b) The sale, offering for sale, advertising, delivery,
17 transportation, or causing to be transported, of any textile
18 fiber product which has been advertised or offered for sale
19 in commerce, and which is misbranded or falsely or decep-
20 tively advertised, within the meaning of this Act or the
21 rules and regulations promulgated thereunder, is unlawful,
22 and shall be an unfair method of competition and an unfair
23 and deceptive act or practice in commerce under the Federal
24 Trade Commission Act.

25 (c) The sale, offering for sale, advertising, delivery,

1 transportation, or causing to be transported, after shipment
2 in commerce, of any textile fiber product, whether in its
3 original state or contained in other textile fiber products,
4 which is misbranded or falsely or deceptively advertised,
5 within the meaning of this Act or the rules and regulations
6 promulgated thereunder, is unlawful, and shall be an unfair
7 method of competition and an unfair and deceptive act or
8 practice in commerce under the Federal Trade Commission
9 Act.

10 (d) This section shall not apply—

11 (1) to any common carrier or contract carrier or
12 freight forwarder with respect to a textile fiber product
13 received, shipped, delivered, or handled by it for ship-
14 ment in the ordinary course of its business;

15 (2) to any processor or finisher in performing a
16 contract for the account of a person subject to the
17 provisions of this Act if the processor or finisher does not
18 change the textile fiber content of the textile fiber
19 product contrary to the terms of such contract;

20 (3) with respect to the manufacture, delivery for
21 transportation, transportation, sale, or offering for sale
22 of a textile fiber product for exportation from the United
23 States to any foreign country;

24 (4) to any publisher or other advertising agency
25 or medium for the dissemination of advertising or

1 promotion material, except the manufacturer, distribu-
2 tor, or seller of the textile fiber product to which the
3 false or deceptive advertisement relates, if such publisher
4 or other advertising agency or medium furnishes to the
5 Commission, upon request, the name and post office
6 address of the manufacturer, distributor, seller, or other
7 person residing in the United States, who caused the
8 dissemination of the advertising material; or

9 (5) to any textile fiber product until such product
10 has been produced in the form intended for sale or
11 delivery to, or for use by, the ultimate consumer:

12 *Provided*, That this exemption shall apply only if such
13 textile fiber product is covered by an invoice or other
14 paper relating to the marketing or handling of the textile
15 fiber product and such invoice or paper correctly discloses
16 the information with respect to the textile fiber product
17 which would otherwise be required under section 4 of
18 this Act to be on the stamp, tag, label, or other identifi-
19 cation and the name and address of the person issuing
20 the invoice or paper.

21 MISBRANDED AND FALSE ADVERTISING OF TEXTILE FIBER

22 PRODUCTS

23 SEC. 4. (a) Except as otherwise provided in this Act,
24 a textile fiber product shall be misbranded if it is falsely
25 or deceptively stamped, tagged, labeled, invoiced, adver-

1 tised, or otherwise identified as to the name or amount of
2 constituent fibers contained therein.

3 (b) Except as otherwise provided in this Act, a textile
4 fiber product shall be misbranded if a stamp, tag, label, or
5 other means of identification, or substitute therefor author-
6 ized by section 5, is not on or affixed to the product showing
7 in words and figures plainly legible, the following:

8 (1) The constituent fiber or combination of fibers in
9 the textile fiber product, designating with equal prominence
10 each natural or manufactured fiber in the textile fiber product
11 by its generic name in the order of predominance by the
12 weight thereof if the weight of such fiber is 5 per centum
13 or more of the total fiber weight of the product, but
14 nothing in this section shall be construed as prohibiting the
15 use of a nondeceptive trademark in conjunction with a
16 designated generic name.

17 (2) The percentage of each fiber present, by weight,
18 in the total fiber content of the textile fiber product, exclusive
19 of ornamentation not exceeding 5 per centum by weight of
20 the total fiber content: *Provided*, That, exclusive of permis-
21 sible ornamentation, any fiber or group of fibers present in
22 an amount of 5 per centum or less by weight of the total
23 fiber content shall not be designated by the generic name
24 or trademark of such fiber or fibers, but shall be designated
25 only as "other fiber" or "other fibers" as the case may be:

1 *Provided further*, That no deviation in the fiber content
2 of any constituent fiber in the textile fiber product from
3 the percentage stated on the tag, stamp, label, or other
4 identification which resulted from unavoidable variations in
5 manufacture and despite the exercise of due care to make
6 accurate the statements on such tag, stamp, label, or other
7 identification, shall be a misbranding under this section.

8 (3) The name, or other identification issued and
9 registered by the Commission, of the manufacturer of the
10 product or one or more persons subject to section 3 with
11 respect to such product.

12 (4) If it is in an imported textile fiber product,
13 whether in its original state or contained in other textile
14 fiber products, the name of the country of origin.

15 (c) For the purposes of this Act, a textile fiber product
16 shall be considered to be falsely or deceptively advertised
17 if any disclosure or implication of fiber content is made in
18 any written advertisement which is used to aid, promote,
19 or assist directly or indirectly in the sale or offering for
20 sale of such textile fiber product, unless such written adver-
21 tisement contains the same information with respect to fiber
22 content as that required to be shown on the stamp, tag,
23 label, or other identification under section 4 (b).

24 (d) In addition to the information required in this sec-
25 tion, the stamp, tag, label, or other means of identification,

1 or advertisement may contain other information not violating
2 the provisions of this Act.

3 (e) This section shall not be construed as requiring the
4 affixing of a stamp, tag, label, or other means of identifica-
5 tion to each textile fiber product contained in a package
6 if (1) such textile fiber products are intended for sale to
7 the ultimate consumer in such package, (2) such package
8 has affixed to it a stamp, tag, label, or other means of iden-
9 tification bearing, with respect to the textile fiber products
10 contained therein, the information required by subsection
11 (b), and (3) the information on the stamp, tag, label, or
12 other means of identification affixed to such package is equally
13 applicable with respect to each textile fiber product contained
14 therein.

15 (f) This section shall not be construed as requiring
16 designation of the fiber content of any portion of fabric, when
17 sold at retail, which is severed from bolts, pieces, or rolls of
18 fabric labeled in accordance with the provisions of this section
19 at the time of such sale: *Provided*, That if any portion of
20 fabric severed from a bolt, piece, or roll of fabric is in any
21 manner represented as containing percentages of natural or
22 manufactured fibers, other than that which is set forth on the
23 labeled bolt, piece, or roll, this section shall be applicable

1 thereto, and the information required shall be separately set
2 forth and segregated as required by this section.

3 REMOVAL OF STAMP, TAG, LABEL, OR OTHER
4 IDENTIFICATION

5 SEC. 5. (a) After shipment of a textile fiber product
6 in commerce it shall be unlawful, except as provided in this
7 Act, to remove or mutilate, or cause or participate in the
8 removal or mutilation of, prior to the time any textile
9 fiber product is sold and delivered to the ultimate consumer,
10 any stamp, tag, label, or other identification required by this
11 Act to be affixed to such textile fiber product, and any
12 person violating this section shall be guilty of an unfair
13 method of competition, and an unfair or deceptive act or
14 practice, under the Federal Trade Commission Act.

15 (b) any person—

16 (i) introducing, selling, advertising, or offering for
17 sale, in commerce, or importing into the United States,
18 a textile fiber product subject to the provisions of this
19 Act, or

20 (2) selling, advertising, or offering for sale a textile
21 fiber product whether in its original state or contained
22 in other textile fiber products, which has been shipped,
23 advertised, or offered for sale, in commerce,

24 may substitute for the stamp, tag, label, or other means of
25 identification required to be affixed to such textile product

1 pursuant to section 4 (b), a stamp, tag, label, or other means
2 of identification conforming to the requirements of section
3 4 (b), and such substituted stamp, tag, label, or other
4 means of identification shall show the name or other identifi-
5 cation issued and registered by the Commission of the
6 person making the substitution.

7 (c) If any person other than the ultimate consumer
8 breaks a package which bears a stamp, tag, label, or other
9 means of identification conforming to the requirements of
10 section 4, and if such package contains one or more units of
11 a textile fiber product to which a stamp, tag, label, or other
12 identification conforming to the requirements of section 4
13 is not affixed, such person shall affix a stamp, tag, label, or
14 other identification bearing the information on the stamp,
15 tag, label, or other means of identification attached to such
16 broken package to each unit of textile fiber product taken
17 from such broken package.

18 RECORDS

19 SEC. 6. (a) Every manufacturer of textile fiber products
20 subject to this Act shall maintain proper records showing
21 the fiber content as required by this Act of all such products
22 made by him, and shall preserve such records for at least
23 three years.

24 (b) Any person substituting a stamp, tag, label, or
25 other identification pursuant to section 5 (b) shall keep

1 such records as will show the information set forth on the
2 stamp, tag, label, or other identification that he removed and
3 the name or names of the person or persons from whom
4 such textile fiber product was received, and shall preserve
5 such records for at least three years.

6 (c) The neglect or refusal to maintain or preserve the
7 records required by this section is unlawful, and any person
8 neglecting or refusing to maintain such records shall be guilty
9 of an unfair method of competition, and an unfair or decep-
10 tive act or practice, in commerce, under the Federal Trade
11 Commission Act.

12 ENFORCEMENT OF THE ACT

13 SEC. 7. (a) Except as otherwise specifically provided
14 herein, this Act shall be enforced by the Federal Trade
15 Commission under rules, regulations, and procedure pro-
16 vided for in the Federal Trade Commission Act.

17 (b) The Commission is authorized and directed to pre-
18 vent any person from violating the provisions of this Act
19 in the same manner, by the same means, and with the same
20 jurisdiction, powers, and duties as though all applicable
21 terms and provisions of the Federal Trade Commission Act
22 were incorporated into and made a part of this Act; and
23 any such person violating the provisions of this Act shall
24 be subject to the penalties and entitled to the privileges and
25 immunities provided in said Federal Trade Commission

1 Act, in the same manner, by the same means, and with the
2 same jurisdiction, powers, and duties as though the appli-
3 cable terms and provisions of the said Federal Trade Com-
4 mission Act were incorporated into and made a part of
5 this Act.

6 (c) The Commission is authorized and directed to
7 make rules and regulations, including the establishment of
8 generic names of manufactured fibers, under and in pur-
9 suance of the terms of this Act as may be necessary and
10 proper for administration and enforcement.

11 (d) The Commission is authorized to cause inspections,
12 analyses, tests, and examinations to be made of any product
13 subject to this Act.

14 INJUNCTION PROCEEDINGS

15 SEC. 8. Whenever the Commission has reason to be-
16 lieve—

17 (a) that any person is doing, or is about to do, an
18 act which by section 3, 5, 6, 9, or 10 (b) is declared to
19 be unlawful; and

20 (b) that it would be to the public interest to enjoin
21 the doing of such act until complaint is issued by the
22 Commission under the Federal Trade Commission Act
23 and such complaint is dismissed by the Commission or
24 set aside by the court on review or until an order to
25 cease and desist made thereon by the Commission has

1 become final within the meaning of the Federal Trade
2 Commission Act,
3 the Commission may bring suit in the district court of the
4 United States or in the United States court of any Territory,
5 for the district or Territory in which such person resides or
6 transacts business, to enjoin the doing of such act and upon
7 proper showing a temporary injunction or restraining order
8 shall be granted without bond.

9 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

10 SEC. 9. All textile fiber products imported into the
11 United States shall be stamped, tagged, labeled, or other-
12 wise identified in accordance with the provisions of section
13 4 of this Act, and all invoices of such products required
14 pursuant to section 484 of the Tariff Act of 1930, shall set
15 forth, in addition to the matter therein specified, the infor-
16 mation with respect to said products required under the
17 provisions of section 4 (b) of this Act, which information
18 shall be in the invoices prior to their certification, if such
19 certification is required pursuant to section 484 of the Tariff
20 Act of 1930. The falsification of, or failure to set forth
21 the required information in such invoices, or the
22 falsification or perjury of the consignee's declaration pro-
23 vided for in section 485 of the Tariff Act of 1930, insofar
24 as it relates to such information, is unlawful, and
25 shall be an unfair method of competition, and an unfair

1 and deceptive act or practice, in commerce under the
2 Federal Trade Commission Act; and any person who
3 falsifies, or perjures the consignee's declaration insofar
4 as it relates to such information, may thenceforth be pro-
5 hibited by the Commission from importing, or participating
6 in the importation of, any textile fiber product into the
7 United States except upon filing bond with the Secretary
8 of the Treasury in a sum double the value of said products
9 and any duty thereon, conditioned upon compliance with the
10 provisions of this Act. A verified statement from the manu-
11 facturer or producer of such products showing their fiber con-
12 tent as required under the provisions of this Act may be
13 required under regulation prescribed by the Secretary of the
14 Treasury.

15 GUARANTY

16 SEC. 10. (a) No person shall be guilty of an unlawful
17 act under section 3 if he establishes a guaranty received
18 in good faith, signed by and containing the name and address
19 of the person residing in the United States by whom the
20 textile fiber product guaranteed was manufactured or from
21 whom it was received, that said product is not misbranded
22 or falsely invoiced under the provisions of this Act. Said
23 guaranty shall be (1) a separate guaranty specifically desig-
24 nating the textile fiber product guaranteed, in which case
25 it may be on the invoice or other paper relating to said

1 product; or (2) a continuing guaranty given by seller to the
2 buyer applicable to all textile fiber products sold to or to
3 be sold to buyer by seller in a form as the Commission, by
4 rules and regulations, may prescribe; or (3) a continuing
5 guaranty filed with the Commission applicable to all textile
6 fiber products handled by a guarantor in such form as the
7 Commission by rules and regulations may prescribe.

8 (b) The furnishing of a false guaranty, except where
9 the person furnishing such false guaranty relies on a guaranty
10 to the same effect received in good faith signed by and con-
11 taining the name and address of the person residing in the
12 United States by whom the product guaranteed was manu-
13 factured or from whom it was received, is unlawful, and
14 shall be an unfair method of competition, and an unfair and
15 deceptive act or practice, in commerce, within the meaning
16 of the Federal Trade Commission Act.

17 CRIMINAL PENALTY

18 SEC. 11. (a) Any person who willfully does an act
19 which by section 3, 5, 6, 9, or 10 (b) is declared to be
20 unlawful shall be guilty of a misdemeanor and upon convic-
21 tion shall be fined not more than \$5,000 or be imprisoned
22 not more than one year, or both, in the discretion of the
23 court: *Provided*, That nothing in this section shall limit any
24 other provision of this Act.

25 (b) Whenever the Commission has reason to believe

1 that any person is guilty of a misdemeanor under this
2 section, it may certify all pertinent facts to the Attorney
3 General. If, on the basis of the facts certified, the Attorney
4 General concurs in such belief, it shall be his duty to cause
5 appropriate proceedings to be brought for the enforcement
6 of the provisions of this section against such person.

7 EXEMPTIONS

8 SEC. 12. (a) None of the provisions of this Act shall
9 be construed to apply to—

- 10 (1) upholstery stuffing;
- 11 (2) linings or interlinings incorporated primarily for
12 structural purposes and not for warmth;
- 13 (3) filling or padding incorporated primarily for
14 structural purposes and not for warmth;
- 15 (4) stiffenings, trimmings, facings, or interfacings;
- 16 (5) backings of floor coverings;
- 17 (6) sewing thread;
- 18 (7) bandages and surgical dressings;
- 19 (8) waste materials not intended for use in a textile
20 fiber product;
- 21 (9) textile fiber products incorporated in shoes or
22 overshoes or similar outer footwear;
- 23 (10) textile fiber products incorporated in headwear,
24 handbags, luggage, brushes, lampshades, or toys.

1 The exemption provided for any article by paragraph (2),
2 (3), or (6) of this subsection shall not be applicable if any
3 representation as to fiber content of such article is made in
4 any advertisement, label, or other means of identification
5 covered by section 4 of this Act.

6 (b) The Commission may exclude from the provisions
7 of this Act other textile fiber products (1) which have an
8 insignificant or inconsequential textile fiber content, or (2)
9 with respect to which the disclosure of textile fiber content
10 is not necessary for the protection of the ultimate consumer.

11 SEPARABILITY CLAUSE

12 SEC. 13. If any provision of this Act, or the applica-
13 tion thereof to any person, as that term is herein defined,
14 is held invalid, the remainder of the Act and the application
15 of the remaining provisions to any person shall not be
16 affected thereby.

17 APPLICATION OF EXISTING LAWS

18 SEC. 14. The provisions of this Act shall be held to
19 be in addition to, and not in substitution for or limitation
20 of, the provisions of any other Act of the United States.

21 EFFECTIVE DATE

22 SEC. 15. This Act shall take effect eighteen months
23 after enactment, except for the promulgation of rules and
24 regulations by the Commission, which shall be promulgated
25 within nine months after the enactment of this Act. The

1 Commission shall provide for the exception of any textile
2 fiber product acquired prior to the effective date of this
3 Act.

A BILL

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

By Mr. SMITH of Mississippi

JANUARY 3, 1957

Referred to the Committee on Interstate and Foreign
Commerce

85TH CONGRESS
1ST SESSION

H. R. 5605

85TH CONGRESS
1ST SESSION

H. R. 5605

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1957

Mr. MACK of Illinois introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

SECTION 1. That this Act may be cited as the “Textile
Fiber Products Representation Act”.

6 DEFINITIONS

7 SEC. 2. As used in this Act—

8 (a) The term “person” means an individual, partner-
9 ship, corporation, association, or any other form of business
10 enterprise.

1 (b) The term “fiber” or “textile fiber” means the fun-
2 damental unit, regardless of origin, capable of being spun,
3 woven, knitted, braided, felted, or webbed or otherwise
4 fabricated into textile yarns or fabrics.

5 (c) The term “natural fiber” means any fiber that exists
6 as such in the natural state.

7 (d) The term “manufactured fiber” means any fiber
8 derived by a process of manufacture from any substance,
9 fibrous or nonfibrous, regardless of origin.

10 (e) The term “yarn” means a continuous strand of tex-
11 tile fiber or filament in a form suitable for spinning, weaving,
12 knitting, braiding, felting or webbing or otherwise fabricating
13 into a textile fabric.

14 (f) The term “fabric” means a planar structure pro-
15 duced by interlacing yarns, fibers or filaments.

16 (g) The term “textile fiber product” means any yarn
17 or fabric, whether in the finished or unfinished state, used
18 or intended for use in articles of wearing apparel, costumes
19 and accessories, upholsteries, draperies, floor coverings, fur-
20 niture, furnishings, beddings and other domestics, which yarn
21 or fabric or any portion thereof contains or in any way is
22 represented as containing any natural or manufactured fiber
23 or combination thereof; and any such articles herein above
24 mentioned made in whole or in part of yarn or fabric which

1 contains or in any way is represented as containing any
2 natural or manufactured fiber or combination thereof.

3 (h) The term "Commission" means the Federal Trade
4 Commission.

5 (i) The term "Federal Trade Commission Act" means
6 the Act of Congress entitled "An Act to create a Federal
7 Trade Commission, to define its powers and duties, and for
8 other purposes", approved September 26, 1914, as amended,
9 and the Federal Trade Commission Act approved March 21,
10 1938.

11 (j) The term "commerce" means commerce among the
12 several States or with foreign nations, or in any Territory of
13 the United States or in the District of Columbia, or between
14 any such Territory and another, or between any such Ter-
15 ritory and any State or foreign nation, or between the Dis-
16 trict of Columbia and any State or Territory or foreign
17 nation.

18 (k) The term "Territory" includes the insular posses-
19 sions of the United States and also any Territory of the
20 United States.

21 MISBRANDING AND FALSE ADVERTISING DECLARED

22 UNLAWFUL

23 SEC. 3. (a) The manufacture for sale, sale, advertising
24 or offering for sale, in commerce, or the importation into the
25 United States, or the introduction, delivery for introduction,

1 transportation or causing to be transported in commerce, or
2 for the purpose of sale or delivery after the sale, shipment or
3 receipt in commerce, of any textile fiber product which under
4 the provisions of section 4 of this Act is misbranded or is
5 falsely or deceptively advertised, shall be unlawful and shall
6 be an unfair method of competition and an unfair and de-
7 ceptive act or practice in commerce under the Federal
8 Trade Commission Act.

9 (b) This section shall not apply—

10 (1) to any common carrier or contract carrier in
11 respect to a textile fiber product shipped or delivered for
12 shipment in commerce in the ordinary course of its busi-
13 ness; or

14 (2) to any converter, processor or finisher in per-
15 forming a contract or commission service for the account
16 of a person subject to the provisions of this Act: *Pro-*
17 *vided*, That said converter, processor or finisher does not
18 cause any textile fiber product to become subject to this
19 Act contrary to the terms of the contract or commission
20 service; or

21 (3) to any person manufacturing, delivering for
22 shipment, shipping, selling or offering for sale, a textile
23 fiber product, for exportation from the United States to
24 any foreign country, where such textile fiber product is

1 branded in accordance with the specifications of the
2 purchaser.

3 REPRESENTATIONS OF TEXTILE FIBER PRODUCTS

4 SEC. 4. (a) A textile fiber product shall be misbranded—

5 (1) if it is falsely or deceptively stamped, tagged,
6 labeled, or otherwise identified; or

7 (2) if a stamp, tag, label, or other means of identi-
8 fication or substitute therefor under section 5, is not on
9 or affixed to the product and does not show—

10 (A) the constituent fiber or combination of
11 fibers in the textile fiber product, designating each
12 natural or manufactured fiber by its generic name in
13 the order of predominance by weight: *Provided,*
14 *however,* That this section shall not be construed
15 as prohibiting the use of a nondeceptive trademark
16 in conjunction with a designated generic name;

17 (B) the percentage of any fiber or fibers
18 present in an amount of 20 per centum or less by
19 weight of the total fiber content, exclusive of orna-
20 mentation in an amount not exceeding 5 per centum
21 by weight of the total fiber content: *Provided, how-*
22 *ever,* That, exclusive of permissible ornamentation,
23 any fiber or group of fibers which is present in an
24 amount of 5 per centum or less by weight shall not
25 be designated by the generic name of such fiber

1 or fibers, but shall be designated as "other fiber (s) "
2 and the percentage by weight of the total fiber
3 content shall be set forth: *Provided further*, That
4 deviation of the fiber content of the textile product
5 from percentages stated on the stamp, tag, label,
6 or other means of identification shall not be mis-
7 branding under this section if the person charged
8 with misbranding proves such deviation resulted
9 from unavoidable variations in manufacture and
10 despite the exercise of due care to make accurate
11 the statements on such stamp, tag, label, or other
12 means of identification;

13 (C) the name, or other identification issued
14 and registered by the Commission, of the manufac-
15 turer of the product or of one or more persons sub-
16 ject to section 3 with respect to such product.

17 (b) For the purposes of this Act, a textile fiber prod-
18 uct shall be considered to be falsely or deceptively adver-
19 tised if any disclosure or implication of fiber content is made
20 in any advertisement, representation, public announcement
21 or notice which is used to aid, promote or assist directly or
22 indirectly in the sale or offering for sale of such textile fiber
23 product and such advertisement, representation, public an-
24 nouncement or notice—

(1) does not show the constituent fiber or combination of fibers in the textile fiber product in order of predominance by weight; or

(2) does not show the percentage of any fiber or fibers present in an amount of 20 per centum or less by weight of the total fiber content, exclusive of ornamentation in an amount not exceeding 5 per centum by weight of the total fiber content: *Provided however*, That, exclusive of permissible ornamentation, any fibers, which, when grouped together total less than 5 per centum by weight of the total fiber content, shall be designated as "other fibers" and the percentage by weight of the total fiber content shall be set forth; or

(3) does contain the generic name of a natural or manufactured fiber which is present in the textile fiber product in an amount of 5 per centum or less by weight; or

(4) does contain any form of misrepresentation or deception, directly or by implication, with respect to the identification of fiber content of a textile fiber product: *Provided, however*, That deviation of the fiber content of the textile fiber product from percentages stated in the advertisement, representation, public announcement or notice, shall not be falsely or deceptively advertised under

1 this section if a person charged with false or deceptive
2 advertising proves such deviation resulted from unavail-
3 able variations in manufacture and despite the exercise
4 of due care to make accurate the statement contained in
5 such advertisement, representation, public announcement
6 or notice.

7 (c) In addition to information required in this section,
8 the stamp, tag, label, or other means of identification, or re-
9 placement therefor under section 5 may contain other infor-
10 mation not violating the provisions of this Act or the rules
11 and regulations of the Commission.

12 (d) If any person subject to section 3 with respect to a
13 textile fiber product finds or has reasonable cause to believe
14 its stamp, tag, label or other means of identification, or re-
15 placement therefor under section 5 does not contain the in-
16 formation required by this Act, he may replace same with a
17 stamp, tag, label or other means of identification containing
18 the information so required.

19 (e) This section shall not be construed as requiring des-
20 ignation of the fiber content of any portion of fabric when
21 sold at retail, which has been severed from bolts, pieces or
22 rolls of fabrics labeled in accordance with the provisions of
23 this section: *Provided*, That if any portion of fabric severed
24 from a bolt, piece or roll of fabric is in any manner repre-
25 sented as containing any natural or manufactured fiber, other

1 than that which is set forth on the labeled bolt, piece or roll,
2 this section shall be applicable thereto, and the information
3 required shall be separately set forth and segregated as re-
4 quired by this section.

5 (f) This section shall not be construed as requiring
6 designation of the fiber content of any part or portion of a
7 packaged unit of two or more of the same or similar textile
8 fiber products when such unit is labeled in accordance with
9 the provisions of this section: *Provided*, That if any part
10 or portion of a textile fiber product removed from a packaged
11 unit is in any manner represented as containing any natural
12 or manufactured fiber, other than that which is set forth
13 on the packaged unit, this section shall be applicable thereto,
14 and the information required shall be separately set forth
15 and segregated as required by this section.

16 (g) This section shall not be construed as requiring
17 designation of the fiber content of any linings, interlinings,
18 paddings, stiffenings, trimmings, interfacings or backings of
19 floor coverings except those concerning which express repre-
20 sentations of fiber content are customarily made, nor as
21 requiring designation of fiber content of products which have
22 an insignificant or inconsequential textile content: *Provided*,
23 That if any such linings, interlinings, paddings, stiffenings,
24 trimmings, interfacings or backings of floor coverings in

1 any manner are represented as containing any natural or
2 manufactured fiber, this section shall be applicable thereto
3 and the information required shall be separately set forth
4 and segregated as required by this section.

5 The Commission, after investigation, may determine and
6 publicly announce those products which have an insignificant
7 or inconsequential textile content.

8 AFFIXING OF STAMP, TAG, LABEL, OR OTHER

9 IDENTIFICATION

10 SEC. 5. Any person subject to section 3 of this Act
11 shall affix to a textile fiber product the stamp, tag, label,
12 or other means of identification required by this Act, and the
13 same, or replacement therefor containing the information
14 required under section 4, shall be and remain affixed to such
15 product, whether it remains in its original state or is con-
16 tained in garments or other articles made in whole or in
17 part therefrom, until sold and delivered to the consumer.
18 Any person who shall cause or participate in the removal or
19 mutilation of any stamp, tag, label, or other means of iden-
20 tification affixed to a textile fiber product with intent to
21 violate the provisions of this Act, is guilty of an unfair
22 method of competition, and an unfair and deceptive act or
23 practice, in commerce within the meaning of the Federal
24 Trade Commission Act.

1 ENFORCEMENT OF THE ACT

2 SEC. 6. Except as otherwise specifically provided herein,
3 this Act shall be enforced by the Federal Trade Commission
4 under rules, regulations, and procedure provided for in the
5 Federal Trade Commission Act. The Commission is author-
6 ized and directed to prevent any person from violating the
7 provisions of this Act in the same manner, by the same
8 means, and with the same jurisdiction, powers, and duties
9 as though all applicable terms and provisions of the Federal
10 Trade Commission Act were incorporated into and made
11 a part of this Act; and any such person violating the
12 provisions of this Act shall be subject to the penalties and
13 entitled to the privileges and immunities provided in said
14 Federal Trade Commission Act, in the same manner, by
15 the same means, and with the same jurisdiction, powers, and
16 duties as though the applicable terms and provisions of the
17 said Federal Trade Commission Act were incorporated into
18 and made a part of this Act.

19 The Commission is authorized and directed to make rules
20 and regulations for the manner and form of disclosing infor-
21 mation required by this Act, and for segregation of such
22 information for different portions of a textile fiber product as
23 may be necessary to avoid deception or confusion, and to
24 make such further rules and regulations under and in pur-

1 suance of the terms of this Act as may be necessary and
2 proper for administration and enforcement.

3 The Commission is also authorized to cause inspections,
4 analyses, tests, and examinations to be made of any product
5 subject to this Act; and to cooperate therein with any depart-
6 ment or agency of the Government, with any State, Terri-
7 tory or possession, or with the District of Columbia, or with
8 any department, agency or political subdivision thereof; or
9 with any person.

10 INJUNCTION PROCEEDINGS

11 SEC. 7. Whenever the Commission has reason to
12 believe—

13 (a) that any person is violating, or is about to
14 violate, sections 3, 5, 8, or 9 (b) of this Act; and

15 (b) that it would be to the public interest to en-
16 join such violation until complaint is issued by the
17 Commission under the Federal Trade Commission Act
18 and such complaint is dismissed by the Commission or
19 set aside by the court on review or until order to cease
20 and desist made thereon by the Commission has become
21 final within the meaning of the Federal Trade Com-
22 mission Act, the Commission may bring suit in the
23 district court of the United States or in the United
24 States court of any Territory, for the district or Terri-
25 tory in which such person resides or transacts business,

1 to enjoin such violation, and upon proper showing a
2 temporary injunction or restraining order shall be
3 granted without bond.

4 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

5 SEC. 8. All textile fiber products imported into the
6 United States, shall be stamped, tagged, labeled, or other-
7 wise identified in accordance with the provisions of this Act,
8 and all invoices of such products required under the Act of
9 June 17, 1930 (ch. 497, title IV, 46 Stat. 719), shall set
10 forth, in addition to the matter therein specified, the informa-
11 tion with respect to said products required under the pro-
12 visions of this Act, which information shall be in the in-
13 voices prior to their certification under said Act of June 17,
14 1930. The falsification of, or failure to set forth the required
15 information in, the aforementioned invoices, or the falsifica-
16 tion or perjury of the consignee's declaration provided for in
17 said Act of June 17, 1930, insofar as it relates to such in-
18 formation shall be an unfair method of competition, and an
19 unfair and deceptive act or practice, in commerce under the
20 Federal Trade Commission Act; and any person who falsi-
21 fies, or perjures the consignee's declaration insofar as it re-
22 lates to such information, may thenceforth be prohibited by
23 the Commission from importing, or participating in the im-
24 portation of, any textile fiber product into the United States
25 except upon filing bond with the Secretary of the Treasury in

1 a sum double the value of said products and any duty there-
2 on, conditioned upon compliance with the provisions of this
3 Act.

4 A verified statement from the manufacturer or producer
5 of such products showing their fiber content as required
6 under the provisions of this Act may be required under
7 regulation prescribed by the Secretary of the Treasury.

8 **GUARANTY**

9 SEC. 9. (a) No person shall be guilty under section 3 if
10 he establishes a guaranty received in good faith, signed by
11 and containing the name and address of the person residing
12 in the United States by whom the textile fiber product guar-
13 anteed was manufactured or from whom it was received,
14 that said product is not misbranded under the provisions of
15 this Act.

16 Said guaranty shall be either (1) a separate guaranty
17 specifically designating the textile fiber product guaranteed,
18 in which case it may be on the invoice or other paper relating
19 to said product; or (2) a continuing guaranty given by seller
20 to the buyer applicable to all textile fiber products sold to or
21 to be sold to buyer by seller in a form as the Commission,
22 by rules and regulations may prescribe; or (3) a continuing
23 guaranty filed with the Commission applicable to all textile
24 fiber products handled by a guarantor in such form as the
25 Commission by rules and regulations may prescribe.

1 (b) Any person who furnishes a false guaranty, except
2 a person relying on a guaranty to the same effect received
3 in good faith signed by and containing the name and address
4 of the person residing in the United States by whom the
5 product guaranteed was manufactured or from whom it was
6 received, with reason to believe the product falsely guaran-
7 teed may be introduced, sold, transported, or distributed in
8 commerce, is guilty of an unfair method of competition, and
9 an unfair and deceptive act or practice, in commerce within
10 the meaning of the Federal Trade Commission Act.

11 CRIMINAL PENALTY

12 SEC. 10. Any person who willfully violates section 3, 5,
13 8, or 9 (b) of this Act shall be guilty of a misdemeanor and
14 upon conviction shall be fined not more than \$5,000 or be
15 imprisoned not more than one year, or both, in the discretion
16 of the court: *Provided*, That nothing herein shall limit any
17 other provision of this Act.

18 Whenever the Commission has reason to believe any
19 person is guilty of a misdemeanor under this section, it may
20 certify all pertinent facts to the Attorney General, whose
21 duty it shall be to cause appropriate proceedings to be
22 brought for the enforcement of the provisions of this section
23 against such person.

24 EXCEPTIONS

25 SEC. 11. None of the provisions of this Act shall be

1 construed to apply to the manufacture for sale, sale, adver-
2 tisement or the offering for sale, the importation into the
3 United States, or the introduction, delivery for introduction,
4 transportation or causing to be transported, or for the pur-
5 pose of sale or delivery after sale, shipment or receipt, all of
6 said transactions being in commerce, of headwear, footwear,
7 handbags, luggage, brushes, lamp shades, toys: *Provided*,
8 That the Commission may, for good and sufficient reason,
9 upon due notice and hearing, exclude other textile fiber
10 products from the provisions of this Act: *Provided further*,
11 That any representation which is not a complete and factual
12 disclosure of the textile fiber content of any article excepted
13 in this section from the provisions of this Act, shall be
14 unlawful and shall be an unfair method of competition and
15 an unfair or deceptive act or practice in commerce under
16 the Federal Trade Commission Act.

17 **SEPARABILITY CLAUSE**

18 SEC. 12. If any provision of this Act, or the application
19 thereof to any person, as that term is herein defined, is held
20 invalid, the remainder of the Act and the application of the
21 remaining provisions to any person shall not be affected
22 thereby.

23 **REPEAL OF EXISTING LAWS**

24 SEC. 13. The provisions of any Act of the United States,
25 and trade practice rules of the Federal Trade Commission

1 insofar as they relate to the identification or advertising of
2 fiber content in textile fiber products, be and hereby are
3 repealed: *Provided, however,* That provisions of this Act shall
4 not be held to be in substitution or limitation of an Act en-
5 titled, "An Act to protect consumers and others against mis-
6 branding, false advertising, and false invoicing of fur products
7 and furs," (ch. 298, 65 Stat. 175) .

8 EFFECTIVE DATE

9 SEC. 14. This Act shall take effect nine months after
10 promulgation by the Commission of rules and regulations
11 under this Act, and such rules and regulations shall be pro-
12 mulgated within nine months of the passage of this Act:
13 *Provided, however,* That any textile fiber products manufac-
14 tured or acquired prior to the effective date of this Act shall
15 not be subject to the provisions of the Act.

A BILL

To protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

By Mr. Mack of Illinois

MARCH 5, 1957

Referred to the Committee on Interstate and Foreign
Commerce

85TH CONGRESS
1ST SESSION

H. R. 6524

H. R. 6524

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1957

Mr. O'BRIEN of New York introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. That this Act may be cited as the "Textile
Fiber Products Representation Act".

DEFINITIONS

7 SEC. 2. As used in this Act—

(a) The term “person” means an individual, partnership, corporation, association, or any other form of business enterprise.

1 (b) The term "fiber" or "textile fiber" means the fun-
2 damental unit, regardless of origin, capable of being spun,
3 woven, knitted, braided, felted, or webbed or otherwise
4 fabricated into textile yarns or fabrics.

5 (c) The term "natural fiber" means any fiber that exists
6 as such in the natural state.

7 (d) The term "manufactured fiber" means any fiber
8 derived by a process of manufacture from any substance,
9 fibrous or nonfibrous, regardless of origin.

10 (e) The term "yarn" means a continuous strand of tex-
11 tile fiber or filament in a form suitable for spinning, weaving,
12 knitting, braiding, felting or webbing or otherwise fabricating
13 into a textile fabric.

14 (f) The term "fabric" means a planar structure pro-
15 duced by interlacing yarns, fibers or filaments.

16 (g) The term "textile fiber product" means any yarn
17 or fabric, whether in the finished or unfinished state, used
18 or intended for use in articles of wearing apparel, costumes
19 and accessories, upholsteries, draperies, floor coverings, fur-
20 niture, furnishings, beddings and other domestics, which yarn
21 or fabric or any portion thereof contains or in any way is
22 represented as containing any natural or manufactured fiber
23 or combination thereof; and any such articles herein above
24 mentioned made in whole or in part of yarn or fabric which

1 contains or in any way is represented as containing any
2 natural or manufactured fiber or combination thereof.

3 (h) The term "Commission" means the Federal Trade
4 Commission.

5 (i) The term "Federal Trade Commission Act" means
6 the Act of Congress entitled "An Act to create a Federal
7 Trade Commission, to define its powers and duties, and for
8 other purposes", approved September 26, 1914, as amended,
9 and the Federal Trade Commission Act approved March 21,
10 1938.

11 (j) The term "commerce" means commerce among the
12 several States or with foreign nations, or in any Territory of
13 the United States or in the District of Columbia, or between
14 any such Territory and another, or between any such Ter-
15 ritory and any State or foreign nation, or between the Dis-
16 trict of Columbia and any State or Territory or foreign
17 nation.

18 (k) The term "Territory" includes the insular posses-
19 sions of the United States and also any Territory of the
20 United States.

21 MISBRANDING AND FALSE ADVERTISING DECLARED

22 UNLAWFUL

23 SEC. 3. (a) The manufacture for sale, sale, advertising
24 or offering for sale, in commerce, or the importation into the
25 United States, or the introduction, delivery for introduction,

1 transportation or causing to be transported in commerce, or
2 for the purpose of sale or delivery after the sale, shipment or
3 receipt in commerce, of any textile fiber product which under
4 the provisions of section 4 of this Act is misbranded or is
5 falsely or deceptively advertised, shall be unlawful and shall
6 be an unfair method of competition and an unfair and de-
7 ceptive act or practice in commerce under the Federal
8 Trade Commission Act.

9 (b) This section shall not apply—

10 (1) to any common carrier or contract carrier in
11 respect to a textile fiber product shipped or delivered for
12 shipment in commerce in the ordinary course of its busi-
13 ness; or

14 (2) to any converter, processor or finisher in per-
15 forming a contract or commission service for the account
16 of a person subject to the provisions of this Act: *Pro-*
17 *vided*, That said converter, processor or finisher does not
18 cause any textile fiber product to become subject to this
19 Act contrary to the terms of the contract or commission
20 service; or

21 (3) to any person manufacturing, delivering for
22 shipment, shipping, selling or offering for sale, a textile
23 fiber product, for exportation from the United States to
24 any foreign country, where such textile fiber product is

1 branded in accordance with the specifications of the
2 purchaser.

3 REPRESENTATIONS OF TEXTILE FIBER PRODUCTS

4 SEC. 4. (a) A textile fiber product shall be misbranded—

5 (1) if it is falsely or deceptively stamped, tagged,
6 labeled, or otherwise identified; or

7 (2) if a stamp, tag, label, or other means of identi-
8 fication or substitute therefor under section 5, is not on
9 or affixed to the product and does not show—

10 (A) the constituent fiber or combination of
11 fibers in the textile fiber product, designating each
12 natural or manufactured fiber by its generic name in
13 the order of predominance by weight: *Provided*,
14 however, That this section shall not be construed
15 as prohibiting the use of a nondeceptive trademark
16 in conjunction with a designated generic name;

17 (B) the percentage of any fiber or fibers
18 present in an amount of 20 per centum or less by
19 weight of the total fiber content, exclusive of orna-
20 mentation in an amount not exceeding 5 per centum
21 by weight of the total fiber content: *Provided, how-*
22 *ever*, That, exclusive of permissible ornamentation,
23 any fiber or group of fibers which is present in an
24 amount of 5 per centum or less by weight shall not
25 be designated by the generic name of such fiber

1 or fibers, but shall be designated as "other fiber (s)"
2 and the percentage by weight of the total fiber
3 content shall be set forth: *Provided further*, That
4 deviation of the fiber content of the textile product
5 from percentages stated on the stamp, tag, label,
6 or other means of identification shall not be mis-
7 branding under this section if the person charged
8 with misbranding proves such deviation resulted
9 from unavoidable variations in manufacture and
10 despite the exercise of due care to make accurate
11 the statements on such stamp, tag, label, or other
12 means of identification;

13 (C) the name, or other identification issued
14 and registered by the Commission, of the manufac-
15 turer of the product or of one or more persons sub-
16 ject to section 3 with respect to such product.

17 (b) For the purposes of this Act, a textile fiber prod-
18 uct shall be considered to be falsely or deceptively adver-
19 tised if any disclosure or implication of fiber content is made
20 in any advertisement, representation, public announcement
21 or notice which is used to aid, promote or assist directly or
22 indirectly in the sale or offering for sale of such textile fiber
23 product and such advertisement, representation, public an-
24 nouncement or notice—

(1) does not show the constituent fiber or combination of fibers in the textile fiber product in order of predominance by weight; or

(2) does not show the percentage of any fiber or fibers present in an amount of 20 per centum or less by weight of the total fiber content, exclusive of ornamentation in an amount not exceeding 5 per centum by weight of the total fiber content: *Provided however*, That, exclusive of permissible ornamentation, any fibers, which, when grouped together total less than 5 per centum by weight of the total fiber content, shall be designated as "other fibers" and the percentage by weight of the total fiber content shall be set forth; or

(3) does contain the generic name of a natural or manufactured fiber which is present in the textile fiber product in an amount of 5 per centum or less by weight; or

(4) does contain any form of misrepresentation or deception, directly or by implication, with respect to the identification of fiber content of a textile fiber product:

Provided, however, That deviation of the fiber content of the textile fiber product from percentages stated in the advertisement, representation, public announcement or notice, shall not be falsely or deceptively advertised under

1 this section if a person charged with false or deceptive
2 advertising proves such deviation resulted from unavoidable
3 variations in manufacture and despite the exercise
4 of due care to make accurate the statement contained in
5 such advertisement, representation, public announcement
6 or notice.

7 (c) In addition to information required in this section,
8 the stamp, tag, label, or other means of identification, or replacement
9 therefor under section 5 may contain other information
10 not violating the provisions of this Act or the rules
11 and regulations of the Commission.

12 (d) If any person subject to section 3 with respect to a
13 textile fiber product finds or has reasonable cause to believe
14 its stamp, tag, label or other means of identification, or replacement
15 therefor under section 5 does not contain the information
16 required by this Act, he may replace same with a
17 stamp, tag, label or other means of identification containing
18 the information so required.

19 (e) This section shall not be construed as requiring designation
20 of the fiber content of any portion of fabric when
21 sold at retail, which has been severed from bolts, pieces or
22 rolls of fabrics labeled in accordance with the provisions of
23 this section: *Provided*, That if any portion of fabric severed
24 from a bolt, piece or roll of fabric is in any manner represented
25 as containing any natural or manufactured fiber, other

1 than that which is set forth on the labeled bolt, piece or roll,
2 this section shall be applicable thereto, and the information
3 required shall be separately set forth and segregated as re-
4 quired by this section.

5 (f) This section shall not be construed as requiring
6 designation of the fiber content of any part or portion of a
7 packaged unit of two or more of the same or similar textile
8 fiber products when such unit is labeled in accordance with
9 the provisions of this section: *Provided*, That if any part
10 or portion of a textile fiber product removed from a packaged
11 unit is in any manner represented as containing any natural
12 or manufactured fiber, other than that which is set forth
13 on the packaged unit, this section shall be applicable thereto,
14 and the information required shall be separately set forth
15 and segregated as required by this section.

16 (g) This section shall not be construed as requiring
17 designation of the fiber content of any linings, interlinings,
18 paddings, stiffenings, trimmings, interfacings or backings of
19 floor coverings except those concerning which express repre-
20 sentations of fiber content are customarily made, nor as
21 requiring designation of fiber content of products which have
22 an insignificant or inconsequential textile content: *Provided*,
23 That if any such linings, interlinings, paddings, stiffenings,
24 trimmings, interfacings or backings of floor coverings in

1 any manner are represented as containing any natural or
2 manufactured fiber, this section shall be applicable thereto
3 and the information required shall be separately set forth
4 and segregated as required by this section.

5 The Commission, after investigation, may determine and
6 publicly announce those products which have an insignificant
7 or inconsequential textile content.

8 AFFIXING OF STAMP, TAG, LABEL, OR OTHER
9 IDENTIFICATION

10 SEC. 5. Any person subject to section 3 of this Act
11 shall affix to a textile fiber product the stamp, tag, label,
12 or other means of identification required by this Act, and the
13 same, or replacement therefor containing the information
14 required under section 4, shall be and remain affixed to such
15 product, whether it remains in its original state or is con-
16 tained in garments or other articles made in whole or in
17 part therefrom, until sold and delivered to the consumer.
18 Any person who shall cause or participate in the removal or
19 mutilation of any stamp, tag, label, or other means of iden-
20 tification affixed to a textile fiber product with intent to
21 violate the provisions of this Act, is guilty of an unfair
22 method of competition, and an unfair and deceptive act or
23 practice, in commerce within the meaning of the Federal
24 Trade Commission Act.

1 ENFORCEMENT OF THE ACT

2 SEC. 6. Except as otherwise specifically provided herein,
3 this Act shall be enforced by the Federal Trade Commission
4 under rules, regulations, and procedure provided for in the
5 Federal Trade Commission Act. The Commission is author-
6 ized and directed to prevent any person from violating the
7 provisions of this Act in the same manner, by the same
8 means, and with the same jurisdiction, powers, and duties
9 as though all applicable terms and provisions of the Federal
10 Trade Commission Act were incorporated into and made
11 a part of this Act; and any such person violating the
12 provisions of this Act shall be subject to the penalties and
13 entitled to the privileges and immunities provided in said
14 Federal Trade Commission Act, in the same manner, by
15 the same means, and with the same jurisdiction, powers, and
16 duties as though the applicable terms and provisions of the
17 said Federal Trade Commission Act were incorporated into
18 and made a part of this Act.

19 The Commission is authorized and directed to make rules
20 and regulations for the manner and form of disclosing infor-
21 mation required by this Act, and for segregation of such
22 information for different portions of a textile fiber product as
23 may be necessary to avoid deception or confusion, and to
24 make such further rules and regulations under and in pur-

1 suance of the terms of this Act as may be necessary and
2 proper for administration and enforcement.

3 The Commission is also authorized to cause inspections,
4 analyses, tests, and examinations to be made of any product
5 subject to this Act; and to cooperate therein with any depart-
6 ment or agency of the Government, with any State, Terri-
7 tory or possession, or with the District of Columbia, or with
8 any department, agency or political subdivision thereof; or
9 with any person.

10 INJUNCTION PROCEEDINGS

11 SEC. 7. Whenever the Commission has reason to
12 believe—

13 (a) that any person is violating, or is about to
14 violate, sections 3, 5, 8, or 9 (b) of this Act; and

15 (b) that it would be to the public interest to en-
16 join such violation until complaint is issued by the
17 Commission under the Federal Trade Commission Act
18 and such complaint is dismissed by the Commission or
19 set aside by the court on review or until order to cease
20 and desist made thereon by the Commission has become
21 final within the meaning of the Federal Trade Com-
22 mission Act, the Commission may bring suit in the
23 district court of the United States or in the United
24 States court of any Territory, for the district or Terri-
25 tory in which such person resides or transacts business,

1 to enjoin such violation, and upon proper showing a
2 temporary injunction or restraining order shall be
3 granted without bond.

4 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

5 SEC. 8. All textile fiber products imported into the
6 United States, shall be stamped, tagged, labeled, or other-
7 wise identified in accordance with the provisions of this Act,
8 and all invoices of such products required under the Act of
9 June 17, 1930 (ch. 497, title IV, 46 Stat. 719), shall set
10 forth, in addition to the matter therein specified, the informa-
11 tion with respect to said products required under the pro-
12 visions of this Act, which information shall be in the in-
13 voices prior to their certification under said Act of June 17,
14 1930. The falsification of, or failure to set forth the required
15 information in, the aforementioned invoices, or the falsifica-
16 tion or perjury of the consignee's declaration provided for in
17 said Act of June 17, 1930, insofar as it relates to such in-
18 formation shall be an unfair method of competition, and an
19 unfair and deceptive act or practice, in commerce under the
20 Federal Trade Commission Act; and any person who falsi-
21 fies, or perjures the consignee's declaration insofar as it re-
22 lates to such information, may thenceforth be prohibited by
23 the Commission from importing, or participating in the im-
24 portation of, any textile fiber product into the United States
25 except upon filing bond with the Secretary of the Treasury in

1 a sum double the value of said products and any duty there-
2 on, conditioned upon compliance with the provisions of this
3 Act.

4 A verified statement from the manufacturer or producer
5 of such products showing their fiber content as required
6 under the provisions of this Act may be required under
7 regulation prescribed by the Secretary of the Treasury.

8 GUARANTY

9 SEC. 9. (a) No person shall be guilty under section 3 if
10 he establishes a guaranty received in good faith, signed by
11 and containing the name and address of the person residing
12 in the United States by whom the textile fiber product guar-
13 anteed was manufactured or from whom it was received,
14 that said product is not misbranded under the provisions of
15 this Act.

16 Said guaranty shall be either (1) a separate guaranty
17 specifically designating the textile fiber product guaranteed,
18 in which case it may be on the invoice or other paper relating
19 to said product; or (2) a continuing guaranty given by seller
20 to the buyer applicable to all textile fiber products sold to or
21 to be sold to buyer by seller in a form as the Commission,
22 by rules and regulations may prescribe; or (3) a continuing
23 guaranty filed with the Commission applicable to all textile
24 fiber products handled by a guarantor in such form as the
25 Commission by rules and regulations may prescribe.

(b) Any person who furnishes a false guaranty, except a person relying on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, with reason to believe the product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates section 3, 5, 8, or 9 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit any other provision of this Act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXCEPTIONS

SEC. 11. None of the provisions of this Act shall be

1 construed to apply to the manufacture for sale, sale, adver-
2 tisement or the offering for sale, the importation into the
3 United States, or the introduction, delivery for introduction,
4 transportation or causing to be transported, or for the pur-
5 pose of sale or delivery after sale, shipment or receipt, all of
6 said transactions being in commerce, of headwear, footwear,
7 handbags, luggage, brushes, lamp shades, toys: *Provided*,
8 That the Commission may, for good and sufficient reason,
9 upon due notice and hearing, exclude other textile fiber
10 products from the provisions of this Act: *Provided further*,
11 That any representation which is not a complete and factual
12 disclosure of the textile fiber content of any article excepted
13 in this section from the provisions of this Act, shall be
14 unlawful and shall be an unfair method of competition and
15 an unfair or deceptive act or practice in commerce under
16 the Federal Trade Commission Act.

17 **SEPARABILITY CLAUSE**

18 **SEC. 12.** If any provision of this Act, or the application
19 thereof to any person, as that term is herein defined, is held
20 invalid, the remainder of the Act and the application of the
21 remaining provisions to any person shall not be affected
22 thereby.

23 **REPEAL OF EXISTING LAWS**

24 **SEC. 13.** The provisions of any Act of the United States,
25 and trade practice rules of the Federal Trade Commission

1 insofar as they relate to the identification or advertising of
2 fiber content in textile fiber products, be and hereby are
3 repealed: *Provided, however,* That provisions of this Act shall
4 not be held to be in substitution or limitation of an Act en-
5 titled, "An Act to protect consumers and others against mis-
6 branding, false advertising, and false invoicing of fur products
7 and furs," (ch. 298, 65 Stat. 175) .

8 EFFECTIVE DATE

9 SEC. 14. This Act shall take effect nine months after
10 promulgation by the Commission of rules and regulations
11 under this Act, and such rules and regulations shall be pro-
12 mulgated within nine months of the passage of this Act:
13 *Provided, however,* That any textile fiber products manufac-
14 tured or acquired prior to the effective date of this Act shall
15 not be subject to the provisions of the Act.

A BILL

To protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

By Mr. O'BRIEN of New York

MARCH 29, 1957

Referred to the Committee on Interstate and Foreign
Commerce

Aug. 1, 1957

16. ELECTRIFICATION. Passed without amendment, 313 to 75, H.R. 8643, to authorize the construction of certain works of improvement in the Niagara River for power. pp. 12003, 12007-08, 12035
17. CENSUS. The Post Office and Civil Service Committee ordered reported H.R. 7911, to amend various sections of the U.S. Code entitled "Census." p. D721
18. PERSONNEL. The Post Office and Civil Service Committee ordered reported H.R. 4640, to amend the Civil Service Retirement Act to permit persons transferring to non-Act positions to retain voluntary contribution accounts. p. D721
19. TEXTILE FIBERS. The Interstate and Foreign Commerce Committee ordered reported H.R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. p. D720
20. RECLAMATION. The Interior and Insular Affairs Committee ordered reported with amendment H.R. 5309, to construct and maintain the lower Rio Grande rehabilitation project, Tex.. p. D720
21. PATENTS. The Judiciary Committee reported with amendment H.R. 7151, to fix the fees payable to the Patent Office (H. Rept. 963). p. 12053
22. FISCAL POLICIES; NATURAL RESOURCE POLICIES. Reps. McCarthy and Multer criticized administration fiscal policies; and Rep. Metcalf criticized the natural resource policies of the administration. pp. 12030-34
23. PERSONNEL. As reported (see Digest 135), H.R. 2462 includes provisions as follows: Increases pay of classified employees in GS-1 through the second step of GS-13 by 11%. Increases pay for GS-13 through GS-17 by gradually diminishing percentages, and provides no increase for GS-18. Requires the Budget Bureau to provide for absorption, by the respective departments and agencies of the executive branch, of the cost of the increases in pay provided for in the bill within the limits of existing appropriations for the fiscal year in which the bill is approved, but provides that this provision shall not be considered to require the separation of any individual by reduction in force or other personnel action or the placing of any individual in a leave-without-pay status, and permits the President to exempt agencies from the provision. Provides that the bill become effective the first day of the first pay period which begins on or after Sept. 1, 1957.

ITEMS IN APPENDIX

24. TRANSPORTATION. Sen. Neuberger stated that high freight rates over long distances have acted to retard industrial and economic development in the Pacific Northwest and inserted an article, "Freight Rates Favor East, Says Transportation Expert." pp. A6228-9
Rep. Van Zandt discussed a proposal to establish a new self-supporting Government agency to be known as the Railway Equipment Agency to lease equipment on an amortized cost basis to the Nation's railroads. pp. A6246-7
25. RURAL DEVELOPMENT. Sen. Thye commended and inserted an article, "A Plan to Help Farmers Help Selves--Rural Development Program is Beginning to Get Underway in Northeastern Minnesota." p. A6230
26. WATER RESOURCES. Sen. Johnson inserted an article suggesting that all States should take a realistic look at their water problems. pp. A6232-3

Sen. Magnuson criticized a magazine article, "Pacific Northwest Stands on Its Own Feet," as being "extremely deceptive" and inserted his letter to the editor. p. A6262

27. RECLAMATION. Speech in the House of Rep. Engle in support of the proposed construction of the San Angelo reclamation project. p. A6233
Rep. Metcalf discussed the administration's reclamation and power policies pp. A6261-2
28. BUDGETING. Rep. Bates inserted a radio interview between Rep. Martin and Edw. Sherman, Citizens Committee for the Hoover Report, discussing various proposals which have been submitted to reduce the Federal budget. pp. A6236-7
29. IMPORTS; TEXTILES. Rep. Lane inserted a Textile Workers Union letter to the President petitioning relief from constantly rising foreign competition. p. A6237
30. WHEAT. Rep. Breeding commended and inserted an article, "Kansas Seeks Best Wheat," and stated it "clarifies many details for those who are unfamiliar with the problems of the wheatgrowers." p. A6238
31. PERSONNEL. Rep. Fulton inserted an article, "The Handicapped Make Good Workers." pp. A6256-7
32. FOREST PRODUCTS. Sen. Neuberger stated that "I have felt that one of the genuine hopes for revival of the lumber industry lies in the utilization of timber waste materials for composition products..." and inserted an article on this subject. pp. A6266-7

BILLS INTRODUCED

33. LIVESTOCK. H.R. 9020, by Rep. Cooley, and H.R. 9021, by Rep. Hill, to amend the Packers and Stockyards Act, 1921, as amended, to transfer certain functions under Packers and Stockyards Act to FTC; to Agriculture Committee.
34. WILDLIFE. H.R. 9019, by Rep. Bates, to authorize the provision of additional capital for the fisheries loan fund established by the Fish and Wildlife Act of 1956; to Merchant Marine and Fisheries Committee.
H.R. 9027, by Rep. Hagen, to authorize a 10-year program for acquiring national migratory bird refuges and areas; to Merchant Marine and Fisheries Committee.
35. IMPORTS. H.R. 9026, by Rep. Hagen, to amend the Tariff Act of 1930 to increase the duties imposed upon the importation of tungsten; to Ways and Means Committee.
36. RECLAMATION. H.R. 9030, by Rep. Porter, to provide for the development by the Secretary of the Army and the Secretary of the Interior of certain units of the Rogue River Basin project, Oregon; to Public Works Committee.

COMMITTEE HEARING ANNOUNCEMENTS:

Aug. 2: Full H. Agriculture on pending bills (exec).

House - Aug. 5, 1957

26. FISCAL POLICY. Sen. Bush inserted a series of articles on tight credit, lower prices, and the Administration's fiscal policies. pp. 12302-4

HOUSE

27. ACREAGE ALLOTMENTS. Passed without amendment H.R. 8030, to eliminate the requirement that notice of intention not to plant the full acreage allotment must be filed with the county committee in order for a farmer to receive credit for future acreage allotment purposes. p. 12374
28. FORESTRY; WATERSHEDS; COTTON; COUNTY COMMITTEES. The Agriculture Committee reported the following bills: p. 12446
H.R. 580, with amendment, to authorize the exchange of certain land under the jurisdiction of the Forest Service with Mo. (H. Rept. 989).
H.R. 5497, with amendment, to subject recreational and fish and wildlife development projects to certain conditions in order to receive Federal assistance under the Watershed Protection and Flood Prevention Act (H. Rept. 990).
H.R. 6765, without amendment, to repeal the prohibitions against cotton acreage reports based on farmers' planting intentions (H. Rept. 991).
H.R. 8508, with amendment, to provide two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties in Minn. and Iowa (H. Rept. 994).
29. PERSONNEL. The Post Office and Civil Service Committee reported with amendment H.R. 4640, to amend the Civil Service Retirement Act to permit persons transferring to non-Act positions to retain voluntary contribution accounts (H. Rept. 1000). p. 12446
30. NATURAL RESOURCES. The Judiciary Committee reported with amendment S.J. Res. 35, to provide for the observance and commemoration of the 50th anniversary of the first conference of State governors for the protection of the natural resources of the U.S.. (H. Rept. 988). p. 12446
31. FIBER. The Interstate and Foreign Commerce Committee reported with amendment H.R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products (H. Rept. 986). p. 12446
Passed with amendment H.R. 7096, to exempt istle and Tampico fiber from the Tariff Act of 1930. pp. 12433-34
32. FARM PROGRAM. Rep. Harvey defended the farm program against recent attacks, citing accomplishments during the past four years. p. 12438
Rep. McGovern urged increased distribution of surplus foods, and suggested five methods for "better utilization of food surpluses." p. 12436
33. OLEOMARGARINE. Passed over, on objections by Rep. Andresen, Marshall, and Bass, H.R. 912, to provide for the serving of oleomargarine or margarine in the Navy ration. The bill was thus stricken from the consent calendar. p. 12369
34. PUBLIC LANDS. Passed as reported H.R. 8054, to provide for the leasing of oil and gas deposits in lands beneath inland navigable waters in Alaska. p. 12370
Passed as reported H.R. 2237, to authorize the transfer of certain property of VA to the Johnson City (Tenn.) National Farm Loan Assoc. and the E. Tenn. Production Credit Assoc., local units of the Farm Credit Administration. p. 12371

Aug 5, 1957

16. WEATHER CONTROL. Passed as reported S. 86, to authorize research in cloud modification. p. 12314
17. MINERALS. Passed as reported S. 2039, to clarify the definition of labor required to be performed to hold unpatented mining claims on Federal land. pp. 12314-15
18. CENSUS. Passed as reported S. 1631, to amend generally the census laws. pp. 12326-7
19. BUILDINGS. Passed without amendment S. 2108, to authorize GSA to name, rename, or designate any building under its control. p. 12331
20. FEED GRAINS. Agreed to S. Res. 168, to print as a Senate document this Department's report on the feed grain program. p. 12340
21. RESEARCH; LAND. Agreed to S. Res. 169, to print as a Senate document a Library of Congress survey, "National Policies on Federal Landownership." p. 12340
Passed as reported S. 1962, to convey certain ARS land near Bowie, Md., to the Perkins Chapel Methodist Church. p. 12342
22. FISH; RICE. Passed as reported S. 1552, to authorize this Department to establish a research program to develop methods for the commercial production of fish on flooded rice acreage. pp. 12341-2
23. FOREIGN AFFAIRS. Both Houses received the President's message on activities to promote the peace and stability of the Middle East, through June 30, 1957. pp. 12299, 12369
24. ROADS. Sen. Neuberger inserted an editorial, "Last Chance on Billboards," urging action on the bills to control signboards along the Federal interstate highway system. p. 12307
25. ELECTRIFICATION. Sen. Langer inserted a resolution from the West River Mutual Aid Telephone Corp of N.D., opposing any increase in REA interest rates. pp. 12299-12300
Sen. Langer inserted a series of resolutions adopted by the N.D. Rural Electric Cooperative Ass'n, opposing any increase in REA interest rates; supporting construction of a high Federal dam at Hells Canyon; urging more loan funds for generation and transmission; supporting the preference concept; supporting H.R. 968, to limit repayment for electrification (on multi-purpose projects) to those costs related to such purposes; urging passage of the bill to allow TVA to sell its own bonds; urging development of the Yellowtail project on the Bighorn River; urging establishment of a "capital budget" accounting system; opposing private power firms "propaganda" advertising; urging further study on the allocation of Missouri River basin waters; and commending REA Administrator Hamil. pp. 12300-1
At the request of Sen. Clark, passed over S. 2406, to authorize the construction of works of improvement in the Niagara River. p. 12310
At the request of Sen. Barrett, passed over H.R. 8643, to authorize the construction of works of improvement in the Niagara River. p. 12345
Sen. Stennis, as acting Majority leader, assured Sens. Case, S.D., and Kefauver, that the TVA and Niagara power bills would be presented to the policy committee for consideration as to the disposition of the bill at the conclusion of the Civil Rights Debate. pp. 12347-8

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

AUGUST 5, 1957.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MACK of Illinois, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany H. R. 469]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 2, line 1, strike out beginning with the word "has" down to and including the word "which" in line 2.

Page 2, line 22, strike out "outer coverings of furniture, furnishings" and insert "furnishings, beddings, and other textile goods".

Page 2, line 24, strike out "fact, beddings, and household textile goods" and insert "fact".

Page 6, line 1, strike out "promotion" and insert "promotional".

Page 6, line 21, strike out "MISBRANDED" and insert "MISBRANDING".

Page 8, line 12, strike out beginning with the word "If" down through and including the period in line 14, and insert the following:

If it is an imported textile fiber product the name of the country where processed or manufactured.

Page 10, line 15, strike out "any" and insert "Any".

Page 17, after line 10, insert the following paragraph:

(2) outer coverings of furniture;

Page 17, line 11, strike out "(2)" and insert "(3)".

Page 17, line 13, strike out "(3)" and insert "(4)".

Page 17, line 15, strike out "(4)" and insert "(5)".

Page 17, line 16, strike out "(5)" and insert "(6)".

Page 17, line 17, strike out "(6)" and insert "(7)".

Page 17, line 18, strike out "(7)" and insert "(8)".

Page 17, line 19, strike out "(8)" and insert "(9)".

Page 17, line 21, strike out "(9)" and insert "(10)".

Page 17, line 23, strike out "(10)" and insert "(11)".

Page 18, line 1, strike out "(2)" and insert "(3)".

Page 18, line 2, strike out "(3)" and insert "(4)" and strike out "(6)" and insert "(7)".

FOREWORD

There is a great need for the truthful and informative labeling and advertising of textile fiber products. The Wool Products Labeling Act of 1939 presently requires the truthful and informative labeling of wool products, but it does not extend to the advertising of such products. As to textile fiber products other than wool products there is no requirement in the Federal law for affirmative disclosure of the fiber content of such products in labeling and advertising.¹ Also under the Federal Trade Commission Act, the Federal Trade Commission does not have jurisdiction over deceptive acts and practices that take place at the local retail level.

The reported bill would require truthful and informative labeling and advertising of textile fiber products which are not covered by Federal law.

PURPOSE OF LEGISLATION

The basic purpose of this legislation is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising of the fiber content of such products. Other corrolary objectives are: (1) to help the American farmer whose fiber product must compete with deceptively labeled and advertised synthetics which are lower priced and often of inferior quality compared with the natural fiber product but which frequently duplicate it in appearance, (2) to protect the producers of the quality synthetics against those producers of textiles who advertise their products deceptively, and (3) to protect the reliable textile manufacturer against the manufacturer who uses deceptive quality-cutting practices.

This bill is limited in scope to textile fiber products other than products which are required to be labeled under the Wool Products Labeling Act of 1939.

NEED FOR LEGISLATION

The need for this legislation was succinctly stated by Mr. Smith of Mississippi, the author of the bill, in his testimony before the committee during the hearings on this subject. Mr. Smith stated, in part, as follows:

Today, rayon is the cheapest textile fiber. In many uses it serves quite satisfactorily. But in many others it lacks the basic characteristics essential for satisfactory performance—durability, launderability, strength. In many such uses,

¹ The Federal Trade Commission, through its trade practice conference procedure, has promulgated rules with respect to the labeling and advertising of rayon, acetate, linen, and silk which move in interstate commerce. These rules, as such, do not have the force and effect of law but are rather advisory interpretations as to what may constitute unfair methods of competition and unfair and deceptive acts or practices in commerce, under the Federal Trade Commission Act. These rules, insofar as they go, have worked reasonably well, but their chief handicap is the limited jurisdiction of the Commission under its organic statute.

cotton is the traditional fiber. Cotton is almost synonymous with long wear, shrink resistance, and easy laundering.

Recently there has been a concerted drive by some rayon producers to persuade textile mills to blend rayon with cotton in traditionally cotton articles. Unfortunately, a percentage of rayon in a cotton fabric doesn't generally change the appearance or even the feel of the fabric. If that fabric can be sold as an all-cotton fabric—and it usually can because it looks like cotton—the manufacturer can substantially increase his profit because his product is made of a substantially cheaper fiber. The consumer doesn't know that her "cotton" product is part rayon, and she doesn't find it out until the product shrinks out of shape, or wears out too soon, or proves unsatisfactory in some other fashion. And even then, in most cases, she doesn't blame the rayon blend because she doesn't know it is there. She simply concludes that cotton is not as good as it used to be.

The damage in this chain is obvious—the cotton farmer suffers because cotton's reputation is put at question; the reliable manufacturer, who uses all cotton in the products he sells as all cotton, suffers because his products become suspect along with the others; the retailer suffers because he has sold an unreliable item, and the consumer suffers because she was led into paying her money for something she didn't get.

The cotton farmer already faces a desperate fight for his markets. I do not believe he should be subjected, in addition to this type of competition. And I do not believe that the textile manufacturer, or the retailer, or the consumer, should be subjected to it. Eventually, as the textile competitors in self-preservation take the same avenue of cost cutting, the steadily decreasing quality of textile fabrics could very easily destroy public confidence in all textile products.

All blends are not, of course, inferior products. Fiber blending is increasing rapidly in the textile industry and will continue to increase, as it should. New and different properties can be given to fabrics by blending two or more fibers together, properties which are both useful and desirable.

But the qualities that result from blending depend not only on the types of fibers mixed together, but on the amount of each fiber included. This is another reason why the fiber content of textile fabrics should be disclosed.

A good example of this is the blending of nylon with other fibers. Nylon has been called a miracle fiber, the first of an ever-growing collection of synthetic fibers of many important uses. It has proved to be one of the most wear-resistant of the textile fibers, and when blended with other fibers, it can significantly increase the life of the fabric. Nylon, however, is relatively expensive. In staple form it costs about \$1.35 a pound, against something like 29 cents for rayon. This has led to some rather astonishing practices in textile blending and advertising.

The Du Pont Co., developer and major producer of nylon, states that generally the nylon content of a fabric must be at least 30 percent if the benefits of nylon are to be realized in that fabric. In spite of that known fact, however, many textile articles have been put on the market and promoted as nylon products when the actual nylon content was sometimes as low as 1 percent. That amount of nylon does nothing but deceive the public.

As in the case of the rayon-cotton blend, this practice hurts everyone along the line—the nylon producer, the honest textile manufacturer, the retailer, and the consumer.

Much of the same thing is true of many of the other blending fibers like dacron and orlon. These fibers are blended, for the most part, to achieve certain properties—hand, wrinkle resistance, and texture. The producers of these fibers say that a fabric must contain at least 50 percent of these fibers to attain the desired results. Yet the price differential between these quality synthetics and the cheaper fibers is an open invitation to cut the expensive fiber in favor of the cheaper part of the blend.

So long as the fiber content of textile fabrics is not required to be made known to the consumer, the industry cannot protect itself or its customers from cost-inspired, quality-cutting practices. And the consumer is left at the mercy of the manufacturer who elects to produce, to his own profit, a cheaper product that he can advertise on the basis of a promotionally valuable fiber—cotton, nylon, dacron, linen, silk, orlon—even though the product may not contain enough of these fibers to show any real benefit (hearings before a subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 85th Cong., 1st sess., on H. R. 469, H. R. 5605, and H. R. 6524, pp. 22–23).

The committee shares the views expressed by Mr. Smith of Mississippi. We believe that the consumer has a right to know the fiber content of the textile fiber product which he is buying. Producers of quality merchandise should be protected against producers who use deceptive quality-cutting practices. We believe this protection can be achieved by requiring full disclosure of the fiber content of such merchandise.

HEARINGS

Hearings were held by the Commerce and Finance Subcommittee of this committee on H. R. 469, introduced by Mr. Smith of Mississippi, and on H. R. 5605, introduced by Mr. Mack of Illinois, and H. R. 6524, introduced by Mr. O'Brien of New York. The Mack and O'Brien bills are identical. All three bills have the same objective; namely, to require the proper labeling and advertising of the fiber content of textile fiber products.

The essential differences between the Smith bill and the Mack and O'Brien bills are:

(1) The Smith bill covers all textile fiber products except those covered by the Wool Products Labeling Act of 1939. The Mack and O'Brien bills would repeal the Wool Products Labeling Act of 1939

and provide a uniform labeling law for all textiles, including wool. In repealing the Wool Products Labeling Act of 1939, the Mack and O'Brien bills would eliminate the present requirement in that act that reprocessed and reused wool should be labeled as such.

(2) The Smith bill requires the labeling of a textile fiber product only when it is in the form intended for use by the ultimate consumer and not in the early or intermediate stages of processing. Manufacturers and processors would be permitted to accomplish identification required by the reported bill through a statement on their invoices. The Mack and O'Brien bills require the labeling of textile fiber products during all stages of processing prior to and including the time when the product is intended for use by the ultimate consumer.

(3) The Smith bill provides for the disclosure of the constituent fiber content in all blends and mixtures in the order of predominance by weight and percentage of each fiber present by weight, if such fiber constitutes 5 percent or more of the total fiber weight of the product. The Mack and O'Brien bills do not require the disclosure of the percentages of fibers which are present in amounts of more than 20 percent and less than 80 percent. In these cases, identification would be made merely by naming the fiber in the order of its predominance by weight.

(4) The Smith bill provides that manufacturers shall not be charged with misbranding which resulted from unavoidable variations in the manufacturing process. The Mack and O'Brien bills provide that manufacturers should be required to prove that minor discrepancies in the fiber content in a textile fiber product from those shown on the label, or in advertising matter, were due to unavoidable variations in the manufacturing processes.

(5) The Smith bill requires that imported textile fiber products be labeled as to the country where processed or manufactured. The Mack and O'Brien bills do not contain this provision.

The committee favors the Smith bill in preference to the Mack and O'Brien bills because the former bill does not repeal the Wool Products Labeling Act of 1939, which has proved to be of great value to consumers of wool products, whereas the Mack and O'Brien bills would repeal that act. Also, as indicated above, the Smith bill requires more informative labeling than do the Mack and O'Brien bills.

The following organizations testified in favor of the Smith bill, H. R. 469: American Farm Bureau Federation, National Cotton Council of America, the National Grange, and Forstmann Woolen Co.

The following organizations favor the Smith bill with certain suggested amendments: E. I. du Pont de Nemours & Co., Chemstrand Corp., Mail Order Association of America, Boston Wool Trade Association and the National Wool Trade Association, Clothing Manufacturers Association of U. S. A., and the National Women's Neckwear & Scarf Association.

The following organizations testified in favor of the Mack and O'Brien bills, H. R. 5605 and H. R. 6524: National Retail Dry Goods Association, Textile Fibers Institute, and the National Association of Waste Materials Dealers.

Several organizations representing furniture manufacturers and retailers requested an exemption from the provisions of either the Smith bill or the Mack and O'Brien bills for upholstery fabrics,

draperies, rugs, carpets, and mats. The Work Glove Institute requested an exemption for work gloves made of 100 percent cotton. The Thread Institute requested an exemption for handcraft threads. Johnson & Johnson, of New Brunswick, N. J., requested an exemption for catamenial devices, adhesive tapes and sheets, cleaning cloths, diapers, and similar items which are intended for onetime or a limited-life use.

The Joint Committee on the Labeling of Textiles and Apparel and the Popular Priced Dress Manufacturers Group, Inc., opposed H. R. 469 as well as H. R. 5605 and H. R. 6524. The National Wool Growers Association opposed H. R. 5605 and H. R. 6524.

The National Board of Fur Farm Organizations, Inc. requested an amendment to either H. R. 469 or H. R. 5605 and H. R. 6524 to prohibit the use of the word "fur," or the name or symbol of any furbearing animal in the advertisements of textile fiber products.

The National Association of Wool Manufacturers supported the principle of textile labeling but did not favor or oppose any of the bills pending before the committee.

The wool manufacturers council of Northern Textile Association took no position with respect to the pending bills but suggested an amendment to delete from the Wool Products Labeling Act the terms "reprocessed" and "reused" wool and recommended that all woolen products be labeled as either "virgin or new wool" or "wool."

In the 84th Congress similar bills on textile labeling were introduced as follows: H. R. 7817, H. R. 9987, and H. R. 12332, by Mr. Smith of Mississippi; H. R. 10083, by Mr. Roberts, of Alabama; H. R. 10117 by Mr. Staggers, of West Virginia, and H. R. 10085 by Mr. Priest, of Tennessee.

Hearings were held by the Commerce and Finance Subcommittee of this committee on these bills during the 2d session of the 84th Congress but they were not reported by the committee owing to the lateness of the session.

In the 83d Congress, Mr. Elliott, of Alabama introduced H. R. 2082, a bill to require the identification of cotton products for the protection and benefit of the producers and consumers thereof.

PRINCIPAL PROVISIONS OF REPORTED BILL

APPLICABILITY

The reported bill requires the truthful labeling and advertising of the fiber content of textile fiber products, except as noted below in the case of certain wool products. The term "textile fiber product" means (1) any fiber, yarn, or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles and (2) any household textile article made in whole or in part of yarn or fabric.

The term "household textile articles" is defined as articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings, and other textile goods of a type customarily used in a household regardless of where used in fact.

All textile fiber products which move in interstate commerce would be covered, as well as products made from fiber, yarn, or fabric which has moved in interstate commerce.

Wool products, with the exceptions of carpets, rugs, mats, and upholsteries, are required to be labeled under the Wool Products Labeling Act of 1939, and the reported bill would not change the present requirements under that act. However, the legislation proposed by the reported bill does not exempt carpets, rugs, upholsteries, and mats. These items will, therefore, have to be labeled as to their fiber content.

EXEMPTIONS

The following products are exempted from the provisions of the reported bill: (1) Upholstery stuffing; (2) outer coverings of furniture; (3) linings or interlinings (incorporated primarily for structural purposes and not for warmth); (4) filling or stuffing (incorporated primarily for structural purposes and not for warmth); (5) stiffenings, trimmings, facings, or interfacings; (6) backings of floor coverings; (7) sewing thread; (8) bandages and surgical dressings; (9) waste materials not intended for use in a textile fiber product; (10) textile fiber products incorporated in shoes or overshoes or similar outer footwear; and (11) textile fiber products incorporated in headwear, handbags, luggage, or toys.

In addition, the Federal Trade Commission may exempt other textile fiber products which have an insignificant or inconsequential textile fiber content or where the disclosure of the fiber content is not necessary for the protection of the ultimate consumer.

PROHIBITED ACTS

Section 3 of the reported bill makes it unlawful to use the channels of interstate commerce for any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of the proposed Textile Fiber Products Identification Act. The use of the channels of interstate commerce for any textile fiber product which is misbranded or falsely advertised within the meaning of the proposed Textile Fiber Products Identification Act would also constitute an unfair method of competition and an unfair or deceptive act or practice in commerce within the meaning of the Federal Trade Commission Act.

In order to extend the protection contemplated by the reported bill to the fullest extent possible, paragraphs (b) and (c) of section 3 prohibit the marketing of misbranded or falsely or deceptively advertised textile fiber products which have been advertised or offered for sale in commerce, or which are offered for sale, advertised, sold, delivered, or transported after interstate shipment.

Section 4 of the reported bill provides, in part, that a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein, and as to the country of origin where it was processed or manufactured, in the case of imported products.

Section 5 of the reported bill makes it unlawful, with certain exceptions, to remove or mutilate the stamp, tag, label, or other means of identification required by this legislation prior to the time the textile fiber product is sold and delivered to the ultimate consumer. Any person violating this section of the bill shall be guilty of an unfair

method of competition and of an unfair or deceptive act or practice under the Federal Trade Commission Act.

LABELING REQUIREMENTS

The fiber content, expressed in percentages, would have to be shown on a stamp, tag, label, or other means of identification for each textile product when made into the form intended for sale or delivery to, or for use by, the ultimate consumer. Ornamentation, not exceeding 5 percent of the total weight, would not have to be labeled. Any fiber which comprised less than 5 percent of the total fibers in the product would not be designated by name, but would be included in "other fiber(s)." Fiber identification of textile fiber products in the unfinished state, such as yarn and fabric, would be accomplished by a certification on the invoice covering the shipment. A stamp, tag, label, or other means of identification showing the fiber content of these products is not required until they are in a form intended for sale or delivery to, or for use by, the ultimate consumer.

ADVERTISING

If any representation as to fiber content of a textile fiber product is made in any written advertisement, the same full disclosure of the fiber content must be made as required on the stamp, bag, label, or other means of identification.

IMPORTED PRODUCTS

The present tariff laws require imported finished products, such as shirts, sheets, towels, etc., to be identified as to country of origin. The reported bill would require the disclosure of the country where the imported textile fiber product was processed or manufactured.

ENFORCEMENT

The Federal Trade Commission is designated as the enforcing agency of the proposed Textile Fiber Products Identification Act. The Commission has extensive experience in the field of labeling legislation, through its administration of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, the Flammable Fabrics Act, and the Federal Trade Commission Act.

Section 7 (c) of the reported bill authorizes and directs the Federal Trade Commission to make such rules and regulations, including the establishment of generic names of manufactured fibers, as may be necessary and proper for the administration and enforcement of the proposed Textile Fiber Products Identification Act.

The committee believes that the Federal Trade Commission should hold public hearings to establish the generic names of such fibers.

EFFECTIVE DATE

The reported bill provides that the proposed Textile Fiber Products Identification Act shall take effect 18 months after the date of enactment of this act. However, the Federal Trade Commission would be required to promulgate rules and regulations within 9 months after

the date of enactment of this act. In order to take care of inventories, the Commission would also be required to provide for the exception of any textile fiber product acquired prior to the effective date of the act.

OTHER PROVISIONS

Manufacturers of textile fiber products are required to maintain proper records as to the fiber content for at least 3 years. The Commission is authorized to seek injunctions in Federal district courts in its enforcement process. Penalty for willful violation is specified at not more than \$5,000 or imprisonment for not more than 1 year, or both. As a protection to converters, processors, and other purchasers of textile fiber products, the bill provides that they may not be charged with violation of the act if they have a guaranty as to fiber content of the products purchased from the supplier.

COST OF LEGISLATION

A witness for the Federal Trade Commission stated that the administration of the proposed Textile Fiber Products Identification Act would cost the Commission between \$150,000 and \$200,000 a year in salaries and expenses.

AGENCY REPORTS

The reports of the Federal Trade Commission, Secretary of Commerce, Department of Agriculture, Department of State, and the Bureau of the Budget on H. R. 469 are attached as an appendix to this report.

CONCLUSION

The committee believes that the reported bill will fill a great need for the truthful and informative labeling and advertising of textile fiber products. This bill would protect the consumers and producers of textile fiber products, and the American cotton farmer against false and deceptive labeling and advertising of textile fiber products. The reported bill is very much in the public interest and we urge the House to pass it.

SECTION-BY-SECTION EXPLANATION OF REPORTED BILL

SECTION 1. SHORT TITLE

This section provides that the act may be cited as the Textile Fiber Products Identification Act.

SECTION 2. DEFINITIONS

Paragraph (a) defines "person" to mean an individual, partnership, corporation, association, or any other form of business enterprise.

Paragraph (b) defines "fiber" or "textile fiber" to mean a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

Paragraph (c) defines "natural fiber" to mean a fiber which exists as such in the natural state.

Paragraph (d) defines "manufactured fiber" to mean any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

Paragraph (e) defines "yarn" to mean a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise being fabricated into a fabric.

Paragraph (f) defines "fabric" to mean any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or a substitute therefor.

Paragraph (g) defines "household textile articles" to mean articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings, and other textile goods of a type customarily used in a household regardless of where used in fact. It should be noted that certain articles which might otherwise be included within this definition are exempted from the provisions of the act by section 12.

Paragraph (h) defines "textile fiber product" to mean (1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles; (2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and (3) any household textile article made in whole or in part of yarn or fabric. However, the term does not include any product which is required to be labeled under the Wool Products Labeling Act of 1939. Also, section 12 (b) would permit the Commission to exclude from the provisions of the Act certain textile fiber products.

Paragraph (i) defines "affixed" to mean attached to the textile fiber product in any manner.

Paragraph (j) defines "Commission" to mean the Federal Trade Commission.

Paragraph (k) defines "commerce" to mean commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

Paragraph (l) defines "Territory" to include insular possessions of the United States; and also any Territory of the United States. This would include the Commonwealth of Puerto Rico.

Paragraph (m) defines "ultimate consumer" to mean a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such product in any form.

SECTION 3. MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

Subsection (a) provides that the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, for the importation into the United States, of a textile fiber product which is misbranded or falsely or deceptively advertised, within the meaning of the act or the rules and regulations promulgated under the act, is unlawful, and shall be an unfair method of competi-

tion and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

Subsection (b) provides that the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of the act or the rules and regulations promulgated under the act, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

Subsection (c) provides that the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of the act or the rules and regulations promulgated under the act, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

Subsection (d) contains five paragraphs listing persons to whom, or matters to which, section 3 of the bill shall not apply, as follows:

Paragraph (1) of subsection (d) provides that section 3 shall not apply to any common carrier, contract carrier, or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

Paragraph (2) of subsection (d) provides that section 3 shall not apply to a processor or finisher in performing a contract for the account of a person subject to the act if the processor or finisher does not change the textile fiber contents of the textile fiber product contrary to the terms of such contract.

Paragraph (3) of subsection (d) provides that section 3 shall not apply to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country.

Paragraph (4) of subsection (d) provides that section 3 shall not apply to a publisher or other advertising agency or medium for the dissemination of advertising or promotional material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material.

Paragraph (5) of subsection (d) provides that section 3 shall not apply to any textile product until such product is in the form intended for sale or delivery to, or for use by, the ultimate consumer if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product which sets forth certain specified information.

SECTION 4. MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

Subsection (a) provides that, except as otherwise provided in the act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise

identified as to the name or amount of constituent fibers contained therein.

Subsection (b) provides that, except as otherwise provided in the act, a textile fiber product shall be misbranded unless a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is on or affixed to such textile fiber product showing in words and figures plainly legible the information required by paragraphs (1) through (4) of subsection (b).

Paragraph (1) of subsection (b) would require that the constituent fiber or combination of fibers in such textile fiber product be shown on the stamp, tag, label, or other means of identification and that each natural or manufactured fiber be designated with equal prominence by its generic name in the order of predominance by weight if the weight of such fiber is 5 percent or more of the total fiber weight of the product. This section would not prohibit the use of a non-deceptive trademark in conjunction with a designated generic name.

Paragraph (2) of subsection (b) would require that the percentage of each fiber, by weight, in the total fiber content of such textile fiber product, be shown on the stamp, tag, label, or other means of identification, exclusive of ornamentation not exceeding 5 percent by weight of the total fiber content. If, exclusive of permissible ornamentation, any fiber or group of fibers is present in such textile fiber product in an amount of 5 percent or less by weight of the total fiber content, such fiber or group of fibers shall not be designated by generic name or trademark but shall be designated as "other fiber" or "other fibers" as the case may be. No deviation in the fiber content of any constituent fiber in a textile fiber product from the percentage stated on the stamp, tag, label, or other identification would be a misbranding under section 4, if such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other identification.

Paragraph (3) of subsection (b) would require that the name or other identification, issued and registered by the Commission, of the manufacturer of such textile fiber product or one or more persons subject to section 3 with respect to such textile fiber product, be shown on the stamp, tag, label, or other means of identification.

Paragraph (4) of subsection (b) would require that in the case of an imported textile fiber product the name of the country where such textile fiber product was processed or manufactured be shown on the stamp, tag, label, or other means of identification.

Subsection (c) of section 4 provides that a textile fiber product shall be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless such written advertisement contains the same information with respect to fiber content as is required by section 4 (b) to be shown on the stamp, tag, label, or other identification affixed to such textile fiber product.

Subsection (d) of section 4 provides that a stamp, tag, label, or other means of identification referred to in section 4 (b) or an advertisement referred to in section 4 (c) may contain other information not violating the provisions of the act.

Subsection (e) of section 4 would, under certain conditions, permit the labeling of a package containing one or more textile fiber products

in lieu of labeling each textile fiber product in such package if the textile fiber products are intended to be sold to the ultimate consumer in such package.

Subsection (f) of section 4 would permit pieces of fabric to be sold at retail without being labeled if severed from bolts, pieces, or rolls of fabric labeled in accordance with section 4.

SECTION 5. REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

Subsection (a) of section 5 provides that after shipment of a textile fiber product in commerce, except as otherwise provided in the act, to remove or mutilate, or cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification required by the act to be affixed to a textile fiber product, is unlawful, and shall be an unfair method of competition, and an unfair or deceptive act or practice under the Federal Trade Commission Act.

Subsection (b) of section 5 would permit certain persons to substitute, for a stamp, tag, label, or other means of identification required and affixed to a textile fiber product pursuant to section 4 (b), another stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), but such substitute stamp, tag, label, or other means of identification must show the name of the person or other identification, issued and registered with the Commission, of the person who made the substitution.

Subsection (c) of section 5 provides that if a person other than the ultimate consumer breaks a package labeled in accordance with the provisions of section 4, which contains one or more units of a textile fiber product which are not labeled in accordance with section 4 such person shall affix to each unit of such textile fiber product taken from such broken package, a stamp, tag, label, or other means of identification bearing the information on the stamp, tag, label, or other identification affixed to such broken package.

SECTION 6. RECORDS

Subsection (a) would require manufacturers of textile fiber products subject to the act to keep certain records with respect to the fiber content of such textile fiber products for at least 3 years.

Subsection (b) would require a person who substitutes a stamp, tag, label, or other identification pursuant to section 5 (b) to keep records showing such information on the stamp, tag, label, or other identification which he removed and the name or names of the person or persons from whom such textile fiber product was received. The person making such substitution would be required to preserve such records for at least 3 years.

Subsection (c) provides that the neglect or refusal to keep the records required by subsection (a) or (b) is unlawful and any person who neglects or refuses to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

SECTION 7. ENFORCEMENT OF THE ACT

Subsection (a) would require the Federal Trade Commission, except as otherwise provided in the act, to enforce the act under rules, regu-

lations, and procedures provided for in the Federal Trade Commission Act.

Subsection (b) would incorporate by reference the provisions of the Federal Trade Commission Act which the Federal Trade Commission would be required to utilize to prevent violations of the Textile Fiber Products Identification Act and would make the penalties, privileges, and immunities of the Federal Trade Commission Act applicable to persons who violate the Textile Fiber Products Identification Act.

Subsection (c) would authorize and direct the Federal Trade Commission to make such rules and regulations, including the establishment of generic names of manufactured fibers, as may be necessary and proper for administration and enforcement of the act.

Subsection (d) would authorize the Federal Trade Commission to cause inspections, analyses, tests, and examinations to be made of any product subject to the act.

SECTION 8. INJUNCTION PROCEEDINGS

This section would empower the Federal Trade Commission, if it determines that any person is doing or is about to do an act which is declared to be unlawful by certain sections of the act and that it would be in the public interest to do so, to bring suit in the district court of the United States or in the United States court of the Territory in which such person resides or transacts business to enjoin the doing of such act and upon a proper showing a temporary injunction or restraining order would be granted without bond.

SECTION 9. EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

This section would require textile fiber products imported into the United States to be stamped, tagged, labeled, or otherwise identified in accordance with section 4 of the reported bill and invoices required by section 484 of the Tariff Act of 1930 to include, in addition to other required information, information with respect to textile fiber products covered by such invoice which would be required by section 4 (b) of the reported bill. Such information would be required to be in the invoice prior to certification if certification of such invoice is required pursuant to section 484 of the Tariff Act of 1930. The falsification or failure to set forth the required information in such invoice or the falsification or perjury of the consignee's declaration, provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, would be unlawful, and an unfair method of competition and an unfair and deceptive act or practice, in commerce, under the Federal Trade Commission Act. A person who falsifies or perjures a consignee's declaration could be prohibited by the Federal Trade Commission from importing, or participating in the importation into the United States of any textile fiber product except upon filing a bond in a specified sum with the Secretary of the Treasury conditioned upon compliance with the act. The Secretary of the Treasury would be authorized by this section to issue regulations requiring a manufacturer or producer of imported textile fiber products to give a verified statement showing the fiber content of such imported textile fiber products.

SECTION 10. GUARANTY

Subsection (a) provides that no person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith that the textile fiber product is not misbranded or falsely invoiced under the provisions of the act. The three types of guaranty that will satisfy the requirements of subsection (a) are specified.

Subsection (b) provides that the furnishing of a false guaranty, except by a person relying on a guaranty meeting certain requirements, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

SECTION 11. CRIMINAL PENALTY

Subsection (a) provides that any person who willfully does an act which is declared to be unlawful by sections 3, 5, 6, 9, or 10 (b) of the act shall be guilty of a misdemeanor and shall be fined not more than \$5,000, or be imprisoned not more than 1 year, or both.

Subsection (b) would vest the enforcement of section 11 in the Attorney General.

SECTION 12. EXEMPTIONS

Subsection (a) provides that the act shall not apply to upholstery stuffing, outer coverings of furniture, stiffenings, trimmings, facings, interfacings, backings of floor coverings, bandages, surgical dressings, waste materials not intended for use in a textile fiber product, textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, toys, or shoes or overshoes or similar outer footwear. Nor would the act apply to linings, interlinings, filling, or padding incorporated primarily for structural purposes and not for warmth, or sewing thread, if no representation is made as to fiber content of such textile fiber products in any advertisement, label, or other means of identification covered by section 4.

Subsection (b) would permit the Commission to exclude other textile fiber products from the provisions of the act which have an insignificant or inconsequential textile fiber content, or if the disclosure of textile fiber content with respect to such products is not necessary for the protection of the ultimate consumer.

SECTION 13. SEPARABILITY CLAUSE

This section provides that if any provision of the act or its application to any person is held invalid the remainder of the act and the application of its remaining provisions to any person shall not be affected thereby.

SECTION 14. APPLICATION OF EXISTING LAWS

This section provides that the act is in addition to, and not in substitution for, or limitation of, the provisions of any other act of the United States.

SECTION 15. EFFECTIVE DATE

This section provides that the act shall take effect 18 months after the date of enactment of the act; except that the Commission would be required to promulgate rules and regulations within 9 months after the date of enactment of the act. The Commission would also be required to provide for the exception of any textile fiber product acquired prior to the effective date of the act.

APPENDIX

FEDERAL TRADE COMMISSION,
Washington, April 4, 1957.

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter of January 16, 1957, inviting comment upon H. R. 469, 85th Congress, 1st session, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool Products Labeling Act of 1939. As to any "textile fiber product" the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals but there are a few points wherein we think it is deficient and where resulting weaknesses could seriously affect both the protection afforded to the public and effective enforcement of its provisions.

One of the most important and serious weaknesses of the bill appears in section 4 (b) (2) which deals with unavoidable variations in manufacture. As this provision is now drafted, it would require the Commission affirmatively to plead and prove, as a part of a proceeding for misbranding, that any deviation from the fiber content stated on the label was not due to unavoidable variations in manufacture despite due care to make the statements accurate. The facts which would determine such a question are peculiarly within the knowledge and control of the producer. To place the burden of proving the negative, that is that the misbranding was not due to unavoidable variations in manufacture upon the Commission, is to place upon it a burden that it may not be able to carry, with the result that enforcement of the act would correspondingly be defeated. We believe that this defense should be in terms of providing that deviation of the fiber content of the article from the percentages stated on the label shall not be misbranding if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification. Unavoidable variations in manufacture would then be what it properly should be, a matter of defense, and to be shown by the person best able to show what the facts are.

Subsection 4 (c) deals with advertising of textile-fiber products but its application is limited to "written" advertisements used to aid, promote, or assist directly or indirectly in the offering for sale or sale

of such textile-fiber product. This would exempt from the provisions concerning false and deceptive advertising of fiber content, all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole in the provisions concerning advertising which should be closed.

As it is presently drafted this same subsection would require that advertisements, where any disclosure or implication of fiber content is made, contain the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b). This would include not only disclosure of the constituent fiber or combination of fibers each by its generic name in order of predominance by weight, but also require the disclosure of the percentage by weight of each fiber in the textile-fiber product, identification of the manufacturer or other person subject to the act with respect to the product, and if imported the country of origin. It is believed that for purposes of an advertisement there will be adequate protection afforded if the disclosure required be limited to the provisions of subsection 4 (b) (1), thus excluding the requirements of subsections 4 (b) (2), 4 (b) (3), and 4 (b) (4) from the required information to be given with the advertisement.

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile-fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should nevertheless conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile-fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used, and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the mis-

branded goods have been distributed to shops and stores throughout the country.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman.*

N. B.: Pursuant to regulations, this report was cleared orally with the Bureau of the Budget on April 4, 1957, and the Commission was advised that there would be no objection to the submission of the report to the Committee.

ROBERT M. PARRISH, *Secretary.*

THE SECRETARY OF COMMERCE,
Washington, D. C., April 4, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated January 16, 1957, for the views of this Department with respect to H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

H. R. 469 would provide for labeling as to the fiber content of textile fiber products made from natural or synthetic fibers whether of domestic or foreign origin.

This Department is unable to recommend enactment of this legislation in its present form.

We feel that any new legislation enacted for these general purposes should contain in one piece of legislation all of the requirements imposed by the Federal Government for labeling and identification of all fibers. H. R. 469 does not repeal the Wool Products Labeling Act, and hence does not meet this requirement for our support.

Furthermore, this proposed legislation would appear to impose on producers of many household products burdens and costs not readily justifiable by the protection either needed or probably resulting. In this matter of fiber identification it would appear to be more sound to clearly establish this need prior to enactment of corrective legislation than to later permit relief to those who can establish that the legislation serves no useful purpose as applied to their products. We believe that careful consideration should be given to the real need in the public interest for this legislation as applied to each of the textile products as defined in section 2 (g), and particularly to "outer coverings of furniture, furnishings, * * * beddings * * *" prior to enactment.

For these reasons, this Department is unable to recommend enactment of this legislation in its present form.

We have been advised by the Bureau of the Budget that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS,
Secretary of Commerce.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 5, 1957.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR CONGRESSMAN HARRIS: This is in reply to your request of January 16, 1957, for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The Department is in accord with the purpose of H. R. 469 and has no objection to the enactment of such legislation. The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion it should be of help to cotton in its competition with manmade fibers.

H. R. 469 prohibits the introduction in commerce and other specified transactions in certain textile fiber products which are misbranded, or falsely or deceptively advertised, and requires such products to bear a statement of their fiber content. Under the bill, a product is deemed falsely or deceptively advertised if any written advertisement refers to the fiber content, unless it contains the fiber content information required by the bill.

The bill would require the identification of the fiber content of fabrics used or intended for use in articles of wearing apparel, costumes and accessories, draperies, floor coverings, furniture coverings, furnishings, beddings, and other household textile goods. It also would require that advertising set forth the fiber content of such articles. Exceptions include headwear, footwear, handbags, luggage, brushes, lampshades, toys, bandages and surgical dressings or any other articles which the Federal Trade Commission may exempt. Under the bill, a textile fiber product would be misbranded if the stamp, tag, label, or other means of identification does not show (1) the fibers in the product, by generic name in the order of predominance, and (2) the percentage of each fiber present in the product, exclusive of ornamentation not exceeding 5 percent by weight of the total fiber content. Provision is made for injunctions to enforce the legislation and for criminal actions for willful violations. The bill contains provisions under which a guaranty of the product involved would avoid liability under the bill.

This bill is similar to H. R. 9987, H. R. 10083, and H. R. 10117, introduced in the 84th Congress and reported on by the Department May 15, 1956. H. R. 469 contains some revisions and amplifications which maintain the basic purpose of the previous bills but improve the clarity of the wording.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

DEPARTMENT OF STATE,
Washington, April 4, 1957.

HON. OREN HARRIS,

Chairman, Committee on Interstate and Foreign Commerce, House of Representatives.

DEAR MR. HARRIS: Reference is made to an announcement that public hearings will be held April 4 before the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products and for other purposes. In the light of this announcement, the Department wishes to make the following comments on H. R. 469:

With the exception of paragraph (4) of subsection (b), section 4, the Department has no objection to the enactment of H. R. 469 from the standpoint of its possible effect on United States foreign relations. This paragraph provides that an imported textile-fiber product, "whether in its original state or contained in other textile-fiber products," shall be held to be misbranded unless the name of the country of origin is shown on a stamp, tag, or label on, or affixed to, the product.

This paragraph does not appear to be consistent with the stated purpose of the bill, "to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products," since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question, insofar as it applies to textile-fiber products in the state in which they are imported, is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consist in part of imported textile-fiber products.

The United States has contractual relations with many countries providing that imported products shall be accorded treatment no less favorable than that accorded to like products of national origin in respect of all laws, regulations, and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. Such treatment has been interpreted to mean that when goods have duly passed into domestic trade, they can be subject only to the same taxes, laws, and regulations as are applicable to similar domestic goods. In other words, the purpose of these commitments is to prevent the application of any hidden discrimination or restriction against imported goods once they have been properly imported and cleared through customs, such goods thereafter being treated in all respects in the same manner as domestic goods. H. R. 469 does not require an indication that textile-fiber products are made in the United States when this is the case. In other words, foreign textile-

fiber products would not be treated in the same manner as the domestic article.

In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469, there appears to be a more general problem posed by the effect of such regulations upon that broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American-manufactured products, constituent parts of which are imported—and once applied to textile-fiber products a precedent will have been established—marking requirements would become so onerous as to impede seriously the use of imported materials in any product manufactured within the United States.

The Department is seriously concerned about the implications of the cited paragraph of H. R. 469, and recommends that it be deleted from the bill.

Sincerely yours,

ROBERT C. HILL
(For the Secretary of State).

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., April 3, 1957.

HON. OREN HARRIS,

*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letters of January 16 and March 7, 1957, requesting the views of this office with respect to H. R. 469 and H. R. 5605, bills to protect consumers and others against failure to identify, misbranding, and false advertising of the fiber content of textile fiber products, and for other purposes.

The Bureau of the Budget has no objection to the enactment of legislation for this purpose.

Sincerely yours,

PERCY RAPPAPORT, *Assistant Director.*

○

[Report No. 986]

JANUARY 3, 1957

AUGUST 5, 1957

[Omit the part struck through and insert the part printed in italic]

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Textile Fiber Products
4 Identification Act”.

5 DEFINITIONS

6 SEC. 2. As used in this Act—

7 (a) The term “person” means an individual, partner-
8 ship, corporation, association, or any other form of business
9 enterprise.

10 (b) The term “fiber” or “textile fiber” means a unit of

1 matter which has a length of at least one hundred times
2 its width or diameter, which is capable of being spun into
3 a yarn or made into a fabric by bonding or by interlacing
4 in a variety of methods including weaving, knitting, braid-
5 ing, felting, twisting, or webbing, and which is the basic
6 structural element of textile products.

7 (c) The term “natural fiber” means any fiber that
8 exists as such in the natural state.

9 (d) The term “manufactured fiber” means any fiber
10 derived by a process of manufacture from any substance
11 which, at any point in the manufacturing process, is not a
12 fiber.

13 (e) The term “yarn” means a strand of textile fiber
14 in a form suitable for weaving, knitting, braiding, felting,
15 webbing, or otherwise fabricating into a fabric.

16 (f) The term “fabric” means any material woven,
17 knitted, felted, or otherwise produced from, or in combina-
18 tion with, any natural or manufactured fiber, yarn, or sub-
19 stitute therefor.

20 (g) The term “household textile articles” means arti-
21 cles of wearing apparel, costumes and accessories, draperies,
22 floor coverings, ~~outer coverings of furniture, furnishings~~
23 *furnishings, beddings, and other textile goods* of a type
24 customarily used in a household regardless of where used in
25 ~~fact, beddings, and household textile goods~~ *fact.*

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

1 (m) The term "ultimate consumer" means a person who
2 obtains a textile fiber product by purchase or exchange with
3 no intent to sell or exchange such textile fiber product in
4 any form.

5 MISBRANDING AND FALSE ADVERTISING DECLARED

6 UNLAWFUL

7 SEC. 3. (a) The introduction, delivery for introduction,
8 manufacture for introduction, sale, advertising, or offering for
9 sale, in commerce, or the transportation or causing to be
10 transported in commerce, or the importation into the United
11 States, of any textile fiber product which is misbranded or
12 falsely or deceptively advertised within the meaning of this
13 Act or the rules and regulations promulgated thereunder, is
14 unlawful, and shall be an unfair method of competition and
15 an unfair and deceptive act or practice in commerce under
16 the Federal Trade Commission Act.

17 (b) The sale, offering for sale, advertising, delivery,
18 transportation, or causing to be transported, of any textile
19 fiber product which has been advertised or offered for sale
20 in commerce, and which is misbranded or falsely or decep-
21 tively advertised, within the meaning of this Act or the
22 rules and regulations promulgated thereunder, is unlawful,
23 and shall be an unfair method of competition and an unfair
24 and deceptive act or practice in commerce under the Federal
25 Trade Commission Act.

1 (c) The sale, offering for sale, advertising, delivery,
2 transportation, or causing to be transported, after shipment
3 in commerce, of any textile fiber product, whether in its
4 original state or contained in other textile fiber products,
5 which is misbranded or falsely or deceptively advertised,
6 within the meaning of this Act or the rules and regulations
7 promulgated thereunder, is unlawful, and shall be an unfair
8 method of competition and an unfair and deceptive act or
9 practice in commerce under the Federal Trade Commission
10 Act.

11 (d) This section shall not apply—

12 (1) to any common carrier or contract carrier or
13 freight forwarder with respect to a textile fiber product
14 received, shipped, delivered, or handled by it for ship-
15 ment in the ordinary course of its business;

16 (2) to any processor or finisher in performing a
17 contract for the account of a person subject to the
18 provisions of this Act if the processor or finisher does not
19 change the textile fiber content of the textile fiber
20 product contrary to the terms of such contract;

21 (3) with respect to the manufacture, delivery for
22 transportation, transportation, sale, or offering for sale
23 of a textile fiber product for exportation from the United
24 States to any foreign country;

25 (4) to any publisher or other advertising agency

1 or medium for the dissemination of advertising or
2 ~~promotion~~ *promotional* material, except the manufac-
3 turer, distributor, or seller of the textile fiber product
4 to which the false or deceptive advertisement relates,
5 if such publisher or other advertising agency or medium
6 furnishes to the Commission, upon request, the name
7 and post office address of the manufacturer, distributor,
8 seller, or other person residing in the United States,
9 who caused the dissemination of the advertising material;
10 or

11 (5) to any textile fiber product until such product
12 has been produced in the form intended for sale or
13 delivery to, or for use by, the ultimate consumer:
14 *Provided*, That this exemption shall apply only if such
15 textile fiber product is covered by an invoice or other
16 paper relating to the marketing or handling of the textile
17 fiber product and such invoice or paper correctly discloses
18 the information with respect to the textile fiber product
19 which would otherwise be required under section 4 of
20 this Act to be on the stamp, tag, label, or other identifi-
21 cation and the name and address of the person issuing
22 the invoice or paper.

1 ~~MISBRANDED~~ MISBRANDING AND FALSE ADVERTISING OF
2 TEXTILE FIBER PRODUCTS

3 SEC. 4. (a) Except as otherwise provided in this Act,
4 a textile fiber product shall be misbranded if it is falsely
5 or deceptively stamped, tagged, labeled, invoiced, adver-
6 tised, or otherwise identified as to the name or amount of
7 constituent fibers contained therein.

8 (b) Except as otherwise provided in this Act, a textile
9 fiber product shall be misbranded if a stamp, tag, label, or
10 other means of identification, or substitute therefor author-
11 ized by section 5, is not on or affixed to the product showing
12 in words and figures plainly legible, the following:

13 (1) The constituent fiber or combination of fibers in
14 the textile fiber product, designating with equal prominence
15 each natural or manufactured fiber in the textile fiber product
16 by its generic name in the order of predominance by the
17 weight thereof if the weight of such fiber is 5 per centum
18 or more of the total fiber weight of the product, but
19 nothing in this section shall be construed as prohibiting the
20 use of a nondeceptive trademark in conjunction with a
21 designated generic name.

22 (2) The percentage of each fiber present, by weight,

1 in the total fiber content of the textile fiber product, exclusive
2 of ornamentation not exceeding 5 per centum by weight of
3 the total fiber content: *Provided*, That, exclusive of permis-
4 sible ornamentation, any fiber or group of fibers present in
5 an amount of 5 per centum or less by weight of the total
6 fiber content shall not be designated by the generic name
7 or trademark of such fiber or fibers, but shall be designated
8 only as "other fiber" or "other fibers" as the case may be:
9 *Provided further*, That no deviation in the fiber content
10 of any constituent fiber in the textile fiber product from
11 the percentage stated on the tag, stamp, label, or other
12 identification which resulted from unavoidable variations in
13 manufacture and despite the exercise of due care to make
14 accurate the statements on such tag, stamp, label, or other
15 identification, shall be a misbranding under this section.

16 (3) The name, or other identification issued and
17 registered by the Commission, of the manufacturer of the
18 product or one or more persons subject to section 3 with
19 respect to such product.

20 (4) If it is in an imported textile fiber product,
21 whether in its original state or contained in other textile
22 fiber products, the name of the country of origin: *If it is*
23 *an imported textile fiber product the name of the country*
24 *where processed or manufactured.*

25 (c) For the purposes of this Act, a textile fiber product

1 shall be considered to be falsely or deceptively advertised
2 if any disclosure or implication of fiber content is made in
3 any written advertisement which is used to aid, promote,
4 or assist directly or indirectly in the sale or offering for
5 sale of such textile fiber product, unless such written adver-
6 tisement contains the same information with respect to fiber
7 content as that required to be shown on the stamp, tag,
8 label, or other identification under section 4 (b).

9 (d) In addition to the information required in this sec-
10 tion, the stamp, tag, label, or other means of identification,
11 or advertisement may contain other information not violating
12 the provisions of this Act.

13 (e) This section shall not be construed as requiring the
14 affixing of a stamp, tag, label, or other means of identifica-
15 tion to each textile fiber product contained in a package
16 if (1) such textile fiber products are intended for sale to
17 the ultimate consumer in such package, (2) such package
18 has affixed to it a stamp, tag, label, or other means of iden-
19 tification bearing, with respect to the textile fiber products
20 contained therein, the information required by subsection
21 (b), and (3) the information on the stamp, tag, label, or
22 other means of identification affixed to such package is equally
23 applicable with respect to each textile fiber product contained
24 therein.

1 (f) This section shall not be construed as requiring
2 designation of the fiber content of any portion of fabric, when
3 sold at retail, which is severed from bolts, pieces, or rolls of
4 fabric labeled in accordance with the provisions of this section
5 at the time of such sale: *Provided*, That if any portion of
6 fabric severed from a bolt, piece, or roll of fabric is in any
7 manner represented as containing percentages of natural or
8 manufactured fibers, other than that which is set forth on the
9 labeled bolt, piece, or roll, this section shall be applicable
10 thereto, and the information required shall be separately set
11 forth and segregated as required by this section.

12 REMOVAL OF STAMP, TAG, LABEL, OR OTHER

13 IDENTIFICATION

14 SEC. 5. (a) After shipment of a textile fiber product
15 in commerce it shall be unlawful, except as provided in this
16 Act, to remove or mutilate, or cause or participate in the
17 removal or mutilation of, prior to the time any textile
18 fiber product is sold and delivered to the ultimate consumer,
19 any stamp, tag, label, or other identification required by this
20 Act to be affixed to such textile fiber product, and any
21 person violating this section shall be guilty of an unfair
22 method of competition, and an unfair or deceptive act or
23 practice, under the Federal Trade Commission Act.

1 (b) ~~any~~ Any person—

2 (i) introducing, selling, advertising, or offering for
3 sale, in commerce, or importing into the United States,
4 a textile fiber product subject to the provisions of this
5 Act, or

6 (2) selling, advertising, or offering for sale a textile
7 fiber product whether in its original state or contained
8 in other textile fiber products, which has been shipped,
9 advertised, or offered for sale, in commerce,

10 may substitute for the stamp, tag, label, or other means of
11 identification required to be affixed to such textile product
12 pursuant to section 4 (b), a stamp, tag, label, or other means
13 of identification conforming to the requirements of section
14 4 (b), and such substituted stamp, tag, label, or other
15 means of identification shall show the name or other identifi-
16 cation issued and registered by the Commission of the
17 person making the substitution.

18 (c) If any person other than the ultimate consumer
19 breaks a package which bears a stamp, tag, label, or other
20 means of identification conforming to the requirements of
21 section 4, and if such package contains one or more units of
22 a textile fiber product to which a stamp, tag, label, or other
23 identification conforming to the requirements of section 4

1 is not affixed, such person shall affix a stamp, tag, label, or
2 other identification bearing the information on the stamp,
3 tag, label, or other means of identification attached to such
4 broken package to each unit of textile fiber product taken
5 from such broken package.

6 RECORDS

7 SEC. 6. (a) Every manufacturer of textile fiber products
8 subject to this Act shall maintain proper records showing
9 the fiber content as required by this Act of all such products
10 made by him, and shall preserve such records for at least
11 three years.

12 (b) Any person substituting a stamp, tag, label, or
13 other identification pursuant to section 5 (b) shall keep
14 such records as will show the information set forth on the
15 stamp, tag, label, or other identification that he removed and
16 the name or names of the person or persons from whom
17 such textile fiber product was received, and shall preserve
18 such records for at least three years.

19 (c) The neglect or refusal to maintain or preserve the
20 records required by this section is unlawful, and any person
21 neglecting or refusing to maintain such records shall be guilty
22 of an unfair method of competition, and an unfair or decep-
23 tive act or practice, in commerce, under the Federal Trade
24 Commission Act.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) The Commission is authorized and directed to make rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

1 (d) The Commission is authorized to cause inspections,
2 analyses, tests, and examinations to be made of any product
3 subject to this Act.

4 INJUNCTION PROCEEDINGS

5 SEC. 8. Whenever the Commission has reason to be-
6 lieve—

7 (a) that any person is doing, or is about to do, an
8 act which by section 3, 5, 6, 9, or 10 (b) is declared to
9 be unlawful; and

10 (b) that it would be to the public interest to enjoin
11 the doing of such act until complaint is issued by the
12 Commission under the Federal Trade Commission Act
13 and such complaint is dismissed by the Commission or
14 set aside by the court on review or until an order to
15 cease and desist made thereon by the Commission has
16 become final within the meaning of the Federal Trade
17 Commission Act,

18 the Commission may bring suit in the district court of the
19 United States or in the United States court of any Territory,
20 for the district or Territory in which such person resides or
21 transacts business, to enjoin the doing of such act and upon
22 proper showing a temporary injunction or restraining order
23 shall be granted without bond.

1 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

2 SEC. 9. All textile fiber products imported into the
3 United States shall be stamped, tagged, labeled, or other-
4 wise identified in accordance with the provisions of section
5 4 of this Act, and all invoices of such products required
6 pursuant to section 484 of the Tariff Act of 1930, shall set
7 forth, in addition to the matter therein specified, the infor-
8 mation with respect to said products required under the
9 provisions of section 4 (b) of this Act, which information
10 shall be in the invoices prior to their certification, if such
11 certification is required pursuant to section 484 of the Tariff
12 Act of 1930. The falsification of, or failure to set forth
13 the required information in such invoices, or the
14 falsification or perjury of the consignee's declaration pro-
15 vided for in section 485 of the Tariff Act of 1930, insofar
16 as it relates to such information, is unlawful, and
17 shall be an unfair method of competition, and an unfair
18 and deceptive act or practice, in commerce under the
19 Federal Trade Commission Act; and any person who
20 falsifies, or perjures the consignee's declaration insofar
21 as it relates to such information, may thenceforth be pro-
22 hibited by the Commission from importing, or participating
23 in the importation of, any textile fiber product into the

1 United States except upon filing bond with the Secretary
2 of the Treasury in a sum double the value of said products
3 and any duty thereon, conditioned upon compliance with the
4 provisions of this Act. A verified statement from the manu-
5 facturer or producer of such products showing their fiber con-
6 tent as required under the provisions of this Act may be
7 required under regulation prescribed by the Secretary of the
8 Treasury.

9 GUARANTY

10 SEC. 10. (a) No person shall be guilty of an unlawful
11 act under section 3 if he establishes a guaranty received
12 in good faith, signed by and containing the name and address
13 of the person residing in the United States by whom the
14 textile fiber product guaranteed was manufactured or from
15 whom it was received, that said product is not misbranded
16 or falsely invoiced under the provisions of this Act. Said
17 guaranty shall be (1) a separate guaranty specifically desig-
18 nating the textile fiber product guaranteed, in which case
19 it may be on the invoice or other paper relating to said
20 product; or (2) a continuing guaranty given by seller to the
21 buyer applicable to all textile fiber products sold to or to
22 be sold to buyer by seller in a form as the Commission, by
23 rules and regulations, may prescribe; or (3) a continuing
24 guaranty filed with the Commission applicable to all textile

1 fiber products handled by a guarantor in such form as the
2 Commission by rules and regulations may prescribe.

3 (b) The furnishing of a false guaranty, except where
4 the person furnishing such false guaranty relies on a guaranty
5 to the same effect received in good faith signed by and con-
6 taining the name and address of the person residing in the
7 United States by whom the product guaranteed was manu-
8 factured or from whom it was received, is unlawful, and
9 shall be an unfair method of competition, and an unfair and
10 deceptive act or practice, in commerce, within the meaning
11 of the Federal Trade Commission Act.

12 CRIMINAL PENALTY

13 SEC. 11. (a) Any person who willfully does an act
14 which by section 3, 5, 6, 9, or 10 (b) is declared to be
15 unlawful shall be guilty of a misdemeanor and upon convic-
16 tion shall be fined not more than \$5,000 or be imprisoned
17 not more than one year, or both, in the discretion of the
18 court: *Provided*, That nothing in this section shall limit any
19 other provision of this Act.

20 (b) Whenever the Commission has reason to believe
21 that any person is guilty of a misdemeanor under this
22 section, it may certify all pertinent facts to the Attorney
23 General. If, on the basis of the facts certified, the Attorney
24 General concurs in such belief, it shall be his duty to cause

1 appropriate proceedings to be brought for the enforcement
2 of the provisions of this section against such person.

3 EXEMPTIONS

4 SEC. 12. (a) None of the provisions of this Act shall
5 be construed to apply to—

6 (1) upholstery stuffing;

7 (2) *outer coverings of furniture*;

8 ~~(2)~~ (3) linings or interlinings incorporated pri-
9 marily for structural purposes and not for warmth;

10 ~~(3)~~ (4) filling or padding incorporated primarily
11 for structural purposes and not for warmth;

12 ~~(4)~~ (5) stiffenings, trimmings, facings, or interfac-
13 ings;

14 ~~(5)~~ (6) backings of floor coverings;

15 ~~(6)~~ (7) sewing thread;

16 ~~(7)~~ (8) bandages and surgical dressings;

17 ~~(8)~~ (9) waste materials not intended for use in a
18 textile fiber product;

19 ~~(9)~~ (10) textile fiber products incorporated in shoes
20 or overshoes or similar outer footwear;

21 ~~(10)~~ (11) textile fiber products incorporated in
22 headwear, handbags, luggage, brushes, lampshades, or
23 toys.

1 The exemption provided for any article by paragraph ~~(2)~~
2 ~~(3)~~, ~~(3)~~ ~~(4)~~, or ~~(6)~~ ~~(7)~~ of this subsection shall not be
3 applicable if any representation as to fiber content of such
4 article is made in any advertisement, label, or other means
5 of identification covered by section 4 of this Act.

6 (b) The Commission may exclude from the provisions
7 of this Act other textile fiber products (1) which have an
8 insignificant or inconsequential textile fiber content, or (2)
9 with respect to which the disclosure of textile fiber content
10 is not necessary for the protection of the ultimate consumer.

11 SEPARABILITY CLAUSE

12 SEC. 13. If any provision of this Act, or the applica-
13 tion thereof to any person, as that term is herein defined,
14 is held invalid, the remainder of the Act and the application
15 of the remaining provisions to any person shall not be
16 affected thereby.

17 APPLICATION OF EXISTING LAWS

18 SEC. 14. The provisions of this Act shall be held to
19 be in addition to, and not in substitution for or limitation
20 of, the provisions of any other Act of the United States.

21 EFFECTIVE DATE

22 SEC. 15. This Act shall take effect eighteen months
23 after enactment, except for the promulgation of rules and

1 regulations by the Commission, which shall be promulgated
2 within nine months after the enactment of this Act. The
3 Commission shall provide for the exception of any textile
4 fiber product acquired prior to the effective date of this
5 Act.

85TH CONGRESS
1ST SESSION

H. R. 469

[Report No. 986]

A BILL

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

By Mr. SMITH of Mississippi

JANUARY 3, 1957

Referred to the Committee on Interstate and Foreign
Commerce

AUGUST 5, 1957

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 15, 1957
For actions of August 14, 1957
85th-1st, No. 147

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HIGHLIGHTS: House received conference report on poultry inspection bill. House agreed to conference report on mutual security authorization bill. Ready for President. Sen. Watkins urged passage of bill to transfer certain work under Packers and Stockyards Act to FTC. Sen. Stennis introduced and discussed bill to preserve cotton acreage history.

HOUSE

1. FOREIGN AID. By a vote of 226 to 163, agreed to the conference report on S. 2130, the mutual security authorization bill. This bill will now be sent to the President. pp. 13431-5
Received from the President foreign-aid appropriation estimates for 1958 of \$3,386,860,000; to Appropriations Committee (H. Doc. 225). p. 13493
Reps. Albert and Cannon announced that the foreign-aid appropriation bill is to be debated beginning today, Aug. 15. pp. 13450, 13472
2. POULTRY INSPECTION. Received the conference report on S. 1747, the poultry inspection bill (H. Rept. 1170). pp. 13472-5
3. TEXTILE IDENTIFICATION. Passed with amendments H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. pp. 13435-50
4. TRANSPORTATION. Passed, 177-176, without amendment S. 1383, to amend the Interstate Commerce Act to change the requirements for obtaining a freight forwarder permit. This bill will now be sent to the President. pp. 13450, 13462-71

Received the conference report on S. 939, to limit the applicability of free or reduced transportation rates for Government traffic. pp. 13475-6
Passed without amendment H. R. 8825, to amend the Interstate Commerce Act so as to revise the definition of "contract carrier by motor vehicle." pp. 13477-8

5. EMERGENCY FACILITIES. Concurred in the Senate amendments to H. R. 232, which limits ODM tax-amortization authority to certificates made on or before Aug. 22, 1957, and (1) facilities to produce new or specified defense items and (2) facilities to provide research development of experimental services for the defense program. This bill will now be sent to the President.
6. FEDERAL AID. Rep. Kelley questioned turning over to the States various Federal aid programs, including the school lunch program. p. 13480
7. FISH; RICE. The Merchant Marine and Fisheries Committee referred S. 1552, to develop methods for commercial production of fish on flooded rice acreage, back to the subcommittee for further hearings. (The subcommittee had previously reported the bill to the full committee.) p. D780

SENATE

8. MONOPOLIES; MEATPACKERS. Sen. Watkins urged passage of S. 1356, to transfer certain work under the Packers and Stockyards Act to FTC, and discussed the background and need for such legislation. pp. 13401-06
9. MILITARY CONSTRUCTION. Conferees were appointed on H.R. 8240, to authorize certain construction at military installations, including the use of foreign currencies acquired under Public Law 480 for the construction of military family housing units in foreign countries (p. 13388). House conferees were appointed Aug. 13.
10. FISHERIES. The Interstate and Foreign Commerce Committee reported with amendment S. 2349, to facilitate the conduct of fishing operations in Alaska, and to promote the conservation of its fishery resources (S. Rept. 963). p. 13344
11. FORESTRY. Sen. Neuberger inserted several articles discussing the controversy over the termination of Federal supervision over the Klamath Indians, including timberlands. pp. 13352-53
12. ELECTRIFICATION. Sen. Morse inserted a resolution and letter favoring construction of the Hells Canyon dam. p. 13356
Several Senators discussed and inserted material on the nomination of Jerome K. Kuykendall to be a member of the Federal Power Commission. pp. 13406-12, 13420-24
13. ATOMIC ENERGY. Several Senators discussed and inserted material on the development of atomic reactors. pp. 13356-58, 13388-92, 13400-01
Sen.
14. FOREIGN AID. Sen. Johnson, Knowland, and others discussed the possible effects of the President's statement on the possibility of a special session of Congress if adequate funds are not included in the mutual security appropriation bill. pp. 13412-16
15. TRANSPORTATION. Received an Ala. legislature resolution urging a reduction in excise taxes levied on transportation. p. 13343

Chiperfield	Healey	Pfost
Chudoff	Heselton	Philbin
Clark	Hill	Pillion
Coffin	Holland	Porter
Collins	Holmes	Price
Cooper	Hosmer	Prouty
Corbett	Huddleston	Rabaut
Coudert	Hyde	Radwan
Cramer	Jackson	Rains
Cretella	James	Ray
Cunningham	Johnson	Reuss
Iowa	Jones, Ala.	Rhodes, Ariz.
Curtin	Jones, Mo.	Rhodes, Pa.
Curtis, Mass.	Judd	Riehlman
Dague	Karsten	Roberts
Davis, Tenn.	Keane	Rodino
Delaney	Keams	Rogers, Mass.
Dellay	Keating	Rooney
Dennison	Kee	Roosevelt
Denton	Kelley, Pa.	Sadlak
Devereux	Kelly, N. Y.	Santangelo
Diggs	Keogh	St. George
Dingell	Kilday	Saund
Dollinger	Kling	Schenck
Donohue	Kirwan	Schwengel
Dooley	Kluczynski	Scott, Pa.
Dorn, N. Y.	Knutson	Scudder
Doyle	Lane	Seely-Brown
Durham	Lanham	Selden
Dwyer	Lankford	Sieminski
Eberharter	Latham	Simpson, Pa.
Elliott	LeCompte	Sisk
Evins	Lesinski	Smith, Miss.
Fallon	McCarthy	Spence
Farbstein	McFall	Springer
Fascell	McIntosh	Staggers
Feighan	Macdonald	Stauffer
Fenton	Machrowicz	Sullivan
Fino	Mack, Ill.	Taber
Flood	Madden	Teague, Calif.
Fogarty	Magnuson	Teller
Forand	Marshall	Tewes
Ford	Martin	Thompson, N. J.
Frazier	Matthews	Thornberry
Frelinghuysen	May	Tollefson
Friedel	Meador	Trimble
Fulton	Merrow	Udall
Garmatz	Metcalfe	Vanik
Gary	Miller, Calif.	Van Zandt
Gathings	Miller, Md.	Vinson
Gordon	Morano	Vorys
Granahan	Morgan	Vursell
Green, Oreg.	Moss	Walnwright
Green, Pa.	Multer	Walter
Gregory	Mumma	Watts
Griffin	Natcher	Westland
Griffiths	O'Brien, Ill.	Widnall
Gubser	O'Brien, N. Y.	Wigglesworth
Hagen	O'Hara, Ill.	Wilson, Calif.
Hale	O'Neill	Wolverton
Halleck	Osmers	Wright
Harden	Ostertag	Yates
Hardy	Patterson	Younger
Haskell	Pelly	Zablocki
Hays, Ark.	Perkins	Zelenko

NAYS—163

Abbott	Cederberg	Holt
Abernethy	Chelf	Hull
Adair	Christopher	Ikard
Alexander	Church	Jarman
Allen, Ill.	Clevenger	Jenkins
Andersen	Coad	Jennings
H. Carl	Colmer	Johansen
Andresen	Cooley	Jonas
August H.	Cunningham,	Kearney
Andrews	Nebr.	Keeney
Ashmore	Davis, Ga.	Kilgore
Aspinall	Dawson, Utah	Kitchin
Bailey	Dempsey	Knox
Baring	Derounian	Laird
Bass, Tenn.	Dies	Landrum
Becker	Dixon	Lennon
Belcher	Dorn, S. C.	Lipscomb
Bennett, Fla.	Dowdy	McCulloch
Bennett, Mich.	Edmondson	McDonough
Bentley	Engle	McGovern
Berry	Fisher	McIntire
Betts	Flynt	McMillan
Blitch	Forrester	McVey
Bonner	Fountain	Mack, Wash.
Bosch	Gavin	Mahon
Bow	Grant	Michel
Boykin	Gray	Miller, Nebr.
Bray	Gross	Mills
Breeding	Haley	Minshall
Brooks, La.	Harris	Montoya
Brown, Ga.	Harrison, Nebr.	Moore
Brown, Mo.	Harrison, Va.	Morris
Brown, Ohio	Harvey	Moulder
Budge	Hébert	Murray
Bardick	Hemphill	Neal
Burleson	Henderson	Nicholson
Byrd	Herlong	Nimtz
Byrne, Ill.	Hoeven	Norrell
Byrnes, Wis.	Hoffman	O'Hara, Minn.

O'Konski	Saylor	Thomson, Wyo.
Passman	Scott, N. C.	Tuck
Patman	Sclivner	Ullman
Plicher	Sheehan	Utt
Poage	Shuford	Van Pelt
Poff	Sikes	Weaver
Polk	Simpson, Ill.	Wharton
Reece, Tenn.	Smith, Calif.	Whitten
Reed	Smith, Kans.	Wier
Rees, Kans.	Smith, Va.	Williams, Miss.
Riley	Smith, Wis.	Willis
Rivers	Steed	Wilson, Ind.
Robeson, Va.	Talle	Winstead
Rogers, Colo.	Teague, Tex.	Withrow
Rogers, Fla.	Thomas	Young
Rogers, Tex.	Thompson, La.	
Rutherford	Thompson, Tex.	

NOT VOTING—43

Alger	Hiestand	Miller, N. Y.
Anfuso	Hillings	Morrison
Baker	Hollifield	Norblad
Barden	Holtzman	Powell
Beamer	Horan	Preston
Blatnik	Jensen	Robison, Ky.
Brownson	Kilburn	Scherer
Buckley	Krueger	Shelley
Collier	Long	Sheppard
Curtis, Mo.	Loser	Siler
Dawson, Ill.	McConnell	Taylor
George	McCormack	Whitener
Gwinn	McGregor	Williams, N. Y.
Hays, Ohio	Mailliard	
Hess	Mason	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McCormack for, with Mr. Siler against.
Mr. Mailliard for, with Mr. Preston against.
Mr. Anfuso for, with Mr. Scherer against.
Mr. Hess for, with Mr. Long against.
Mr. Buckley for, with Mr. Alger against.
Mr. Hays of Ohio for, with Mr. Hiestand against.

Mr. Holtzman for, with Mr. McGregor against.

Mr. Dawson of Illinois for, with Mr. Krueger against.

Mr. Shelley for, with Mr. Collier against.
Mr. Sheppard for, with Mr. Mason against.
Mr. Baker for, with Mr. Morrison against.
Mr. Taylor for, with Mr. Brownson against.
Mr. Blatnik for, with Mr. Beamer against.
Mr. Powell for, with Mr. Quinn against.
Mr. Hollifield for, with Mr. Baden against.

Until further notice:

Mr. Loser with Mr. Norblad.
Mr. Whitener with Mr. Robison of Kentucky.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that it may be in order to call up the foreign aid appropriation bill at any time after noon tomorrow, providing the authorization bill is signed by the President this afternoon.

The SPEAKER. Is there objection?
There was no objection.

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Mr. COLMER. Mr. Speaker, I call up the resolution (H. Res. 388) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for

other purposes. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio [Mr. Brown]; and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 388 makes in order the consideration of H. R. 469, the textile fiber products identification act. The resolution provides an open rule and 1 hour of general debate on the bill.

The bill requires the labeling and advertising of the fiber content of textile fiber products, that is, any fiber, yarn or fabric, either in the finished or unfinished state, used, or intended to be used, in wearing apparel, costumes and accessories, draperies, floor coverings, beddings and so forth. In addition to protecting the consumer the bill is intended to protect the producers of quality merchandise and, indirectly, the cotton farmers of the country.

The bill does not change the present requirements of the Wool Labeling Act of 1939. Certain products are exempted from the provisions of H. R. 469, and these are listed in section 12 of the bill.

The Federal Trade Commission is designated as the enforcing agency of this proposed act. The bill directs the Commission to make such rules and regulations as are necessary to carry out the provisions of the act. The Commission is authorized to seek injunctions in Federal courts to enforce the provisions, and penalties for violation are provided.

The bill, if passed, would take effect 18 months after enactment. It is estimated that it would cost the Federal Trade Commission between 150 and 200 thousand dollars a year to administer the act.

I urge the adoption of House Resolution 388.

I reserve the remainder of my time, Mr. Speaker.

Mr. ALLEN of Illinois. Mr. Speaker, I have no requests for time.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution. The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill H. R. 469, with Mr. ROONEY in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas [Mr. HARRIS] is recognized for 30 minutes and the gentleman from New Jersey [Mr. WOLVERTON] for 30 minutes.

The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce brings to the House today for consideration this bill H. R. 469, referred to as the Textile Fiber Products Identification Act.

Mr. Chairman, I might state at the outset that this legislation has been considered over a period of several years. It is highly desirable legislation.

About 3 years ago the need for this legislation was called to the attention of the committee. Hearings were held by a subcommittee of our committee in the last Congress. As a result of the hearings conferences were held between members of our staff, the sponsor of the bill who has done such a magnificent job on this legislation, the gentleman from Mississippi [Mr. SMITH] and certain representatives of the industry in an effort to resolve certain problems which were brought to the committee's attention during the hearings.

The conferences were held in New York and in Washington last year. As a result of these deliberations over a period of time and the hearings which were conducted this year by the subcommittee of which our colleague the gentleman from Illinois [Mr. MACK] is chairman, the committee reported this bill for your consideration.

This is a very important piece of legislation not only to the consumer, which means everybody in the United States, but also it is very important to producers of textile fiber products.

Mr. Chairman, it has the support of the American Farm Bureau Federation, the National Cotton Council, the National Grange, just to name a few.

Briefly, the purpose of the bill is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising of the fiber content of textile fiber products. The bill is limited in scope to textile fiber products other than products which are required to be labeled under the Wool Products Labeling Act of 1939. It was reported without objection by the Committee on Interstate and Foreign Commerce.

The committee considered this legislation very carefully, over a period of years. In the 84th Congress six textile labeling bills were introduced and referred to the committee. Lengthy hearings were held on these bills. This year, three bills were introduced on this subject, and again lengthy hearings were held. I am satisfied that this legislation was thoroughly considered by the committee.

SCOPE OF LEGISLATION

As I stated a moment ago, the bill requires the truthful labeling and adver-

tising of the fiber content of textile fiber products, except in the case of certain wool products. The term "textile fiber product" means, first, any fiber, yarn, or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and second, any household textile article made in whole or in part of yarn or fabric.

The term "household textile articles," is defined as articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings, and other textile goods of a type customarily used in a household regardless of where used in fact.

All textile fiber products which move in interstate commerce would be covered, as well as products made from fiber, yarn, or fabric which has moved in interstate commerce.

Wool products, with the exceptions of carpets, rugs, mats, and upholsteries, are required to be labeled under the Wool Products Labeling Act of 1939, and the bill would not change the present requirements under that act. However, the legislation proposed by the bill does not exempt carpets, rugs, mats, and certain types of upholstery. These items will, therefore, have to be labeled as to their fiber content.

EXEMPTIONS

The following products are exempted from the provisions of the bill: First, upholstery stuffing; second, outer coverings of furniture; third, linings or interlining—incorporated primarily for structural purposes and not for warmth; fourth, filling or stuffing—incorporated primarily for structural purposes and not for warmth; fifth, stiffenings, trimmings, facings, or interfacings; sixth, backings of floor coverings; seventh, sewing thread; eighth, bandages and surgical dressings; ninth, waste materials not intended for use in a textile-fiber product; tenth, textile-fiber products incorporated in shoes or overshoes or similar outer footwear; and eleventh, textile-fiber products incorporated in headwear, handbags, luggage, or toys.

In addition, the Federal Trade Commission is giving authority to exempt other textile-fiber products which have an insignificant or inconsequential textile-fiber content or where the disclosure of the fiber content is not necessary for the protection of the ultimate consumer.

PROHIBITED ACTS

Section 3 of the bill makes it unlawful to use the channels of interstate commerce for any textile-fiber product which is misbranded or falsely or deceptively advertised within the meaning of the proposed Textile Fiber Products Identification Act. The use of the channels of interstate commerce for any textile-fiber product which is misbranded or falsely advertised within the meaning of the proposed Textile Fiber Products Identification Act would also constitute an unfair method of competition and an unfair or deceptive act or practice in commerce within the meaning of the Federal Trade Commission Act.

Section 4 of the bill provides, in part, that a textile fiber product shall be misbranded if it is falsely or deceptively

stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein, and as to the country of origin where it was processed or manufactured, in the case of imported products.

Section 5 of the bill makes it unlawful, with certain exceptions, to remove or mutilate the stamp, tag, label, or other means of identification required by this legislation prior to the time the textile fiber product is sold and delivered to the ultimate consumer. Any person violating this section of the bill shall be guilty of an unfair method of competition and of an unfair or deceptive act or practice under the Federal Trade Commission Act.

LABELING REQUIREMENTS

The fiber content, expressed in percentages, would have to be shown on a stamp, tag, label, or other means of identification for each textile product when made into the form intended for sale or delivery to, or for use by, the ultimate consumer. Ornamentation, not exceeding 5 percent of the total weight, would not have to be labeled. Any fiber which comprised less than 5 percent of the total fibers in the product would not be designated by name, but would be included in "other fiber(s)." Fiber identification of textile fiber products in the unfinished state, such as yarn and fabric, would be accomplished by a certification on the invoice covering the shipment. A stamp, tag, label, or other means of identification showing the fiber content of these products is not required until they are in a form intended for sale or delivery to, or for use by, the ultimate consumer.

ADVERTISING

If any representation as to fiber content of a textile fiber product is made in any written advertisement, the same full disclosure of the fiber content must be made as required on the stamp, tag, label, or other means of identification.

IMPORTED PRODUCTS

The present tariff laws require imported finished products, such as shirts, sheets, towels, and so forth, to be identified as to country of origin. The bill would require the disclosure of the country where the imported textile fiber product was processed or manufactured.

ENFORCEMENT

The Federal Trade Commission is designated as the enforcing agency of the proposed Textile Fiber Products Identification Act. The Commission has extensive experience in the field of labeling legislation through its administration of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, the Flammable Fabrics Act, and the Federal Trade Commission Act.

EFFECTIVE DATE

The bill provides that the proposed Textile Fiber Products Identification Act shall take effect 18 months after the date of its enactment. However, the Federal Trade Commission would be required to promulgate rules and regulations within 9 months after the date of enactment of this act. In order to

take care of inventories, the Commission would also be required to provide for the exception of any textile fiber product acquired prior to the effective date of the act.

OTHER PROVISIONS

Manufacturers of textile fiber products are required to maintain proper records as to the fiber content for at least 3 years. The Commission is authorized to seek injunctions in Federal district courts in its enforcement process. Penalty for willful violation is specified at not more than \$5,000 or imprisonment for not more than 1 year, or both. As a protection to converters, processors, and other purchasers of textile fiber products, the bill provides that they may not be charged with violation of the act if they have a guaranty as to fiber content of the products purchased from the supplier.

COST OF LEGISLATION

A witness for the Federal Trade Commission stated that the administration of the proposed Textile Fiber Products Identification Act would cost the Commission between \$150,000 and \$200,000 a year in salaries and expenses.

CONCLUSION

The Committee on Interstate and Foreign Commerce believes that the bill will fill a great need for the truthful and informative labeling and advertising of textile fiber products. It would protect the consumers and producers of textile fiber products, and the American cotton farmer against false and deceptive labeling and advertising of textile fiber products. The bill is very much in the public interest and I urge the House to pass it.

(Mr. HARRIS asked and was given permission to revise and extend his remarks.)

Mr. WOLVERTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this legislation received very careful consideration of the full committee as well as the subcommittee under the chairmanship of the gentleman from Illinois [Mr. MACK]. Hearings were held and considerable discussion was had in the committee to the end that the bill as reported by the committee represents the unanimous viewpoint of the committee; and, so far as I know, there has been no real objection to the purposes of this act.

It has been my privilege as a member of the Interstate and Foreign Commerce Committee to have participated in the formulating and the passage of legislation of similar character, first relating to what was termed the Wool Labeling Act, the Fur Labeling Act, also the act with reference to inflammable fabrics. In each instance where labeling has been required, the provisions of the law as provided by the bills reported from the Committee on Interstate and Foreign Commerce have been of a kind that have proved very helpful to the consumer and have had the endorsement of all consumer organizations. The same applies to this particular legislation. The bill is designed to promote the interest of the cottongrower, the cotton manufacturer,

and the interest of the consumer, all of which taken together makes it, in my opinion, a very worthwhile piece of legislation.

There is a great need for the truthful and informative labeling and advertising of textile fiber products. The Wool Products Labeling Act of 1939 presently requires the truthful and informative labeling of wool products. As to textile fiber products other than wool products, there is no requirement in the Federal law for affirmative disclosure of the fiber content of such products in labeling and advertising. Also, under the Federal Trade Commission Act, the Federal Trade Commission does not have jurisdiction over deceptive acts and practices that take place at the local retail level.

The bill would require truthful and informative labeling and advertising of textile-fiber products which are not covered by Federal law.

Thus, the basic purpose of this legislation is to provide consumers and producers of textile-fiber products with truthful and informative labeling and advertising of the fiber content of such products. Other objectives are: First, to help the American farmer whose fiber product must compete with deceptively labeled and advertised synthetics which are lower priced and often of inferior quality compared with the natural-fiber product but which frequently duplicate it in appearance; second, to protect the producers of the quality synthetics against those producers of textiles who advertise their products deceptively; and third, to protect the reliable textile manufacturer against the manufacturer who uses deceptive quality-cutting practices.

This bill is limited in scope to textile-fiber products other than products which are required to be labeled under the Wool Products Labeling Act of 1939.

I am in full accord with the purpose of this bill. I trust it will have the support of the Congress.

(Mr. WOLVERTON asked and was given permission to revise and extend his remarks.)

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee who has done such a magnificent job on this legislation, the gentleman from Illinois [Mr. MACK].

Mr. MACK of Illinois. Mr. Chairman, the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce has had this bill under consideration for quite some time. A similar bill was introduced in the last session and considerable study was given to it at that time, and a thorough investigation was made after the Congress adjourned last year. I feel that the reported bill carries out the ideas that all of us had in mind.

Mr. Chairman, there is a great need for this legislation, which would require accurate labeling and advertising of textile fiber products. The Wool Products Labeling Act of 1939 presently requires informative labeling of wool products, but it does not extend to the advertising of such products. As to textile fiber products other than wool products there is no requirement in the Federal law for affirmative disclosure of the fiber con-

tent of such products in labeling and advertising. Also under the Federal Trade Commission Act, the Federal Trade Commission does not have jurisdiction over deceptive acts and practices that take place at the local retail level.

The bill we are considering today would require truthful and informative labeling and advertising of textile fiber products which are not now covered by Federal law.

The basic purpose of this legislation is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising of the fiber content of such products. Other objectives are: First, to help the American farmer whose fiber product must compete with deceptively labeled and advertised synthetics which are lower priced and often of inferior quality compared with the natural fiber product but which frequently duplicate it in appearance; second, to protect the producers of the quality synthetics against those producers of textiles who advertise their products deceptively; and third, to protect the reliable textile manufacturer against the manufacturer who uses deceptive quality-cutting practices.

This bill is limited in scope to textile fiber products other than products which are required to be labeled under the Wool Products Labeling Act of 1939.

HEARINGS

Three bills on the subject of the labeling of textile fiber products were introduced in this Congress. The distinguished gentleman from Mississippi [Mr. SMITH] introduced H. R. 469. The distinguished gentleman from New York [Mr. O'BRIEN] introduced H. R. 6524. I introduced a bill, H. R. 5605, at the request of the National Retail Dry Goods Association. H. R. 5605, and H. R. 6524 are identical. All three bills have the same objective; namely, to require the proper labeling and advertising of the fiber content of textile fiber products.

The Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, of which subcommittee I have the honor to be the chairman, held extensive hearings on all three bills in April of this year, and all witnesses desiring to be heard on this legislation were heard.

For the information of the House, I think I should state the principal differences between these bills.

The essential differences between the Smith bill and the Mack and O'Brien bills are:

First. The Smith bill covers all textile fiber products except those covered by the Wool Products Labeling Act of 1939. The Mack and O'Brien bills would repeal the Wool Products Labeling Act of 1939 and provide a uniform labeling law for all textiles, including wool. In repealing the Wool Products Labeling Act of 1939, the Mack and O'Brien bills would eliminate the present requirement in that act that reprocessed and reused wool should be labeled as such.

Second. The Smith bill requires the labeling of a textile fiber product only when it is in the form intended for use by the ultimate consumer and not in the

early or intermediate stages of processing. Manufacturers and processors would be permitted to accomplish identification required by this bill through a statement on their invoices. The Mack and O'Brien bills require the labeling of textile fiber products during all stages of processing prior to and including the time when the product is intended for use by the ultimate consumer.

Third. The Smith bill provides for the disclosure of the constituent fiber content in all blends and mixtures in the order of predominance by weight and percentage of each fiber present by weight, if such fiber constitutes 5 percent or more of the total fiber weight of the product. The Mack and O'Brien bills do not require the disclosure of the percentage of fibers which are present in amounts of more than 20 percent and less than 80 percent. In these cases, identification would be made merely by naming the fiber in the order of its predominance by weight.

Fourth. The Smith bill provides that manufacturers shall not be charged with misbranding which resulted from unavoidable variations in the manufacturing process. The Mack and O'Brien bills provide that manufacturers should be required to prove that minor discrepancies in the fiber content in a textile fiber product from those shown on the label, or in advertising matter, were due to unavoidable variations in the manufacturing processes.

Fifth. The Smith bill requires that imported textile fabric products be labeled as to the country where processed or manufactured. The Mack and O'Brien bills do not contain this provision.

All of these differences could have been compromised except for the first one which has to do with repeal of the Wool Products Labeling Act of 1939.

I personally favored my bill and the bill introduced by the distinguished gentleman from New York [Mr. O'BRIEN] because I believe it would be most helpful to the consumers and producers of textile fiber products to have one uniform law on labeling which is applicable to all textile fiber products instead of having a separate law for wool products and a separate law for other textile fibers. I believe it is wiser to have one code with one set of rules and regulations than to have different codes with different rules and regulations for different textile fibers. However, the majority of the House Committee on Interstate and Foreign Commerce favored the Smith bill and I fully support this bill at this time.

A number of witnesses who favored the Mack and O'Brien bills did so because these bills, by repealing the Wool Products Labeling Act of 1939, would eliminate the provisions of that act which require that the label on wool products show whether the wool content is new wool or whether it is reprocessed or reused wool. These witnesses complained that a woolen product which bears the label reprocessed wool or reused wool automatically places a stigma on that product without any justification. Many textiles made of reprocessed or reused wool are superior to products made of low grade virgin wool. Furthermore,

it is extremely difficult, if not impossible, to determine scientifically whether a given wool fiber is a virgin fiber or a fiber which has been reprocessed or reused. I am convinced that many imported woolen articles which bear a label virgin wool are mislabeled and that they are in fact made of reprocessed or reused wool. There just is no sure test for determining these facts. We cannot visit overseas mills to check their records of what actually went into the product.

Therefore, while I believe the bill under consideration could be improved, I still favor the purpose of textile labeling and strongly urge the adoption of H. R. 469 which was introduced by my very able colleague the gentleman from Mississippi [Mr. SMITH].

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from West Virginia.

Mr. BAILEY. At the top of page 13, in section 7, appear these words:

Except as otherwise specifically provided herein, this act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

What body would have authority other than the Federal Trade Commission? I am thinking of the regulations affecting foreign imports. Is that going to remain under the Trade Commission, or would that be under the Treasury?

Mr. MACK of Illinois. No, I think that particular provision will remain under the Federal Trade Commission.

Mr. BAILEY. Why do you not clarify the legislation, then?

Mr. MACK of Illinois. The language you read from page 13 of the reported bill has reference to the Attorney General who has certain duties to perform under the provisions of section 11 of the bill.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Michigan.

Mr. FORD. As the gentleman from Illinois knows, my district is a very heavy producer of furniture. The people who do the producing of furniture have an interest in this legislation and are particularly interested in the exemptions. Will the gentleman from Illinois tell me what the exemptions provide as they refer to furniture?

Mr. SPRINGER. If the gentleman will refer to page 18, section 12. (a), he will find this language:

None of the provisions of this act shall be construed to apply to—

- (1) upholstery stuffing;
- (2) outer coverings of furniture;
- * * * * *
- (4) filling or padding incorporated primarily for structural purposes and not for warmth.

I believe that would exempt all of the furniture industry from the provisions of this bill insofar as textiles are concerned.

Mr. FORD. I thank the gentleman from Illinois. It does clarify the matter, and I appreciate his help in this regard.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Idaho.

Mr. BUDGE. I note the language on page 3, commencing on line 10—

Except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

Would the gentleman comment as to the effect of that exception?

Mr. SPRINGER. That would not affect the Wool Products Labeling Act of 1939. All the exemptions contained in that Act would still apply to wool.

Mr. BUDGE. In other words, something which is covered in the Wool Products Labeling Act of 1939 would not be included in this legislation?

Mr. SPRINGER. That is correct. I will check on that. Is that correct, Mr. Chairman?

Mr. HARRIS. That is correct. Nothing in this legislation in any way changes the Wool Products Labeling Act of 1939.

Mr. BUDGE. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, a lot of study was put into this bill. I think every detail that could possibly have been considered was given consideration by the full committee when the subcommittee made their report.

There possibly is some confusion as to why this is necessary. I may say that it implements and complements the Wool Products Labeling Act of 1939 in that it covers all other brandings of other textiles than wool. This bill gets the public properly protected in the entire field of textiles—that is together with the Wool Labeling Act.

Mr. WOLVERTON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

[Mr. HOFFMAN asked and was given permission to revise and extend his remarks.]

Mr. HOFFMAN. Mr. Chairman, a committee of the other body has been holding hearings inquiring into the activities of Mr. Beck and Mr. Hoffa. It has been reported the committee would later on inquire into some of the doing and sayings of Mr. Walter Reuther. Certain newspaper writers and magazine writers have informed us that Mr. Hoffa does not smoke, he does not drink, he does not go to the racetracks and bet on the races, and he does not misuse his wife and he is kind to his children—many of the virtues which the average, ordinary American possesses. Mr. Reuther who has similar virtues has been called to the White House from time to time to advise as to the world situation or as to our own economic situation. No doubt they are both wonderful, intellectual individuals active along certain lines, support policies which deprive many of us of our civil rights and opportunities. The chairman of the committee of the other body has expressed the thought that if Mr. Hoffa is elected as president of the teamsters, he will take charge of the transportation workers throughout the country and so be in a position to tie up transportation across and throughout the Nation. That, no doubt, is true. Later today, something will be said about these two gentlemen

and the RECORD will be cited to show that Mr. Hoffa is an extortionist. If that sounds rather harsh, that is the record on his own plea of *nolo contendere*. There will be evidence of other facts and circumstances shown here to indicate that Mr. Reuther has, as one of his purposes, the overthrow of this Government; that he has worked with the Communists ever since almost the last day of December 1936, right down to the present time, and that he has, in certain instances, overthrown local governments by the use of force and violence. That statement is made so that in the RECORD of today and tomorrow, if anyone is interested, he will be able to get something of the real record of these two gentlemen who have been cited so often as model American citizens. Both of whom are so dangerous to our freedom and future welfare.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLVERTON. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, I will not use all of the 5 minutes, but I just want to make two points that I think have not been made by the previous speakers.

Number one is that there will be considerable expense in the administration of this act. I think it was testified to in the hearings that it would amount to something like \$250,000. I do not know of any provision that has been made for an increase in the appropriations for the Federal Trade Commission, but I do know that they have quite a time administering with the amount of money and the personnel that they have the laws which it is their responsibility to administer at the present time. I think, perhaps, this should have been considered a little more thoroughly in view of that responsibility that it is putting on the Federal Trade Commission without compensatory increase in their budget.

The other point that I would like to make to the committee is this. Among the exemptions is a blanket exemption on page 19 of the bill so that even though a particular article is not exempt under the language of the bill, the Federal Trade Commission is given the authority in lines 6 to 10 to set out from under the provisions of the act any such articles they feel are not necessary and in the public interest to be labeled.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. O'BRIEN], a member of the committee.

Mr. O'BRIEN of New York. Mr. Chairman, I hesitate to object even mildly to a bill which has been described as in the interests of the American farmer, the American producer, and the American consumer. I will concede that leaves me a very, very small margin on which to operate. I had hoped that the committee would bring to the House a bill which would cover both wool and textiles. I had thought of offering an amendment to that effect today, but in view of the rather wide margin by which the Committee on Interstate and Foreign

Commerce rejected such an amendment I shall not offer it.

However, I think in all fairness we should pause just a little while to figure where we are going with this labeling and special legislation to protect special products. It is very difficult in our interlocked society to help one segment without tramping on the toes of another. I think we are going to see very shortly legislation which will provide for the labeling of synthetics. That will not protect the cotton grower or the wool producer, but it will protect certain large organizations.

We are talking about protecting the consumer. I am for that. We are all for that. We are talking about giving the consumer, the housewife, full information. I suggest that under this legislation we are not going to protect the housewife. We are going to confuse her. We are going to list a long variety of fibers, many of which I cannot pronounce and probably never will be able to pronounce. I think that as far as informing the housewife is concerned, this information might just as well be written in Sanskrit. I think it will turn the housewife away from getting bargains in favor of something she can fully understand, such as cotton. I say that with all due respect to the gentleman from Mississippi [Mr. SMITH] who has worked so hard for this bill and who deserves high praise from his constituents for his efforts.

I simply want to suggest that there must come a time in this House when we must stop protecting one segment of our population at the expense of another, something that has already happened under the Wool Labeling Act.

Mr. Chairman, I yield back the remainder of my time.

Mr. WOLVERTON. Mr. Chairman, I yield such time as he may desire to the gentleman from South Dakota [Mr. BERRY].

(Mr. BERRY asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. BERRY. Mr. Chairman, I want to take this opportunity to commend the Committee on Interstate and Foreign Commerce upon the work they have done in perfecting this legislation and in bringing this bill to the House floor. This is an important piece of legislation, it is a milestone in the protection of both the producer and the consumer of textiles.

There is plenty of precedent for this legislation, and I trust it will be passed by the House without amendment and without in any way crippling or affecting similar legislation already on the statute books.

In 1939 this Congress passed the Wool Labeling Act, which has been a protection not only to the wool producer, but likewise a protection to the consumer. In 1945 Congress passed the Fur Labeling Act, which has served the same purpose. Then there was the law providing for the labeling of flammable materials used in textiles, and today we are passing an act which will probably be designated as the Textile Labeling Act of 1957.

It will do the same thing for cotton, synthetics, and so forth, that the Wool Labeling Act has done for protection of the wool industry and for the protection of the public in reuse of processed and reprocessed wool.

These protective acts are as much a protection for the consumer as they are for the industry. The Wool Labeling Act protects the consumer on woolen products. The consumer knows by the label on the garment whether the material is made from virgin wool, from processed wool, or reprocessed and reused wool. This act will do the same thing for all products. In other words, from this time forward, if the consumer wants to buy cotton goods, he will know the kind of cotton material he is purchasing; if he wishes to buy synthetic goods, he will know that it is synthetic or that the material is partly synthetic and partly cotton or wool. In other words, the consumer will get what he wants and he will know what he is getting.

The thing that worries me with regard to the attempt made to change the Wool Products Labeling Act is that an attempt is being made to revise the terms. There is a movement to delete from the Wool Act the terms "reprocessed" and "reused" and insert in lieu thereof a provision that woolen products be labeled as either "virgin or new wool" or "wool."

This move is not made with a view of protecting the woolen industry or the consumer, but rather with a view of giving a branch of the textile industry an opportunity to legally mislead the consumer. Under the law, at the present time, wool obtained from reprocessing of woven material must be clearly branded "reprocessed." If the woolen fiber has been taken from garments which have been worn or used, the label must clearly indicate "reused." Under this proposed labeling process, however, wools reprocessed from manufactured materials which have not been worn could be labeled as "new wool" even though it may have remained in the original manufactured form for many years.

What actually is done is that these outfits buy up blankets and garments from the Army surplus, put them through a garnetting machine, and if the proposed amendment were permitted in the Wool Labeling Act, this reprocessed wool could be sold under a label of new wool.

Mr. Chairman, it is not fair to the consumer, it is not fair to the wool industry that this be permitted, and I trust the important Committee on Interstate and Foreign Commerce will continue to refuse to permit such amendments to be made to the Wool Products Labeling Act.

Mr. WOLVERTON. Mr. Chairman, I have no further requests for time.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the author of the bill, the gentleman from Mississippi [Mr. SMITH], who has done such a magnificent job on this legislation.

Mr. SMITH of Mississippi. Mr. Chairman, I do not propose to use all the time made available. The bill has been very well explained by the gentleman from Arkansas [Mr. HARRIS], the able

chairman of the committee, and the gentleman from Illinois [Mr. MACK], who did such a fine job as chairman of the subcommittee in exploring all the ramifications of this fairly technical act. All of us interested in this program are greatly indebted to these two gentlemen for their long hours of work on this legislation. I appreciate the fine cooperation that was given by the minority members of this committee in considering this legislation, both in the subcommittee and in the full committee.

The bill is designed to give to the consumer of all other fibers and fabrics the same protection that he now has with respect to wool products. It is by no means a perfect approach to the problem, but I think it is the best legislation that could be worked out to provide the desired protection within reasonable enforcement limits.

The bill does not amend in any form whatever the Wool Products Labeling Act. It is designed, as I say, to provide labeling requirements for all the other fiber products in the same manner as wool products have been brought under labeling.

If there is any confusion about the bill I hope those who are concerned will address questions to the committee so they can be cleared up.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield.

Mr. POAGE. May we not properly say that the present law requires adequate labeling of wool fibers and that this bill, when added to that will give us complete labeling of all fibers?

Mr. SMITH of Mississippi. That is the simplest way to say it.

Mr. POAGE. And is it not true that if we require this labeling we are informing the housewife or the final purchaser of fibers as to what they are buying and that there is no effort at all simply to promote the sale of one commodity because if the housewife wants to buy synthetics she will know what she is paying for. We are simply telling her here what she is going to buy.

Mr. SMITH of Mississippi. That is precisely what the bill does.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Alabama.

Mr. ROBERTS. I think the gentleman from Mississippi has rendered the American farmer, the American manufacturer, and particularly the consumer, a real service in the work he has done in this bill. I would like to compliment the gentleman from Illinois for his effort and work in holding complete hearings on this bill; and I would like to associate myself with the statement the gentleman from Mississippi is making in support of this bill. I think it simply gives to the American cotton farmer the same protection that has been given in former years to woolgrowers and in the field of fur labeling.

I hope the House will support this bill.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks following those of the gentleman from Mississippi.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SMITH of Mississippi. I appreciate the statement of the gentleman from Alabama. His work, together with that of the gentleman from Mississippi [Mr. WILLIAMS], both members of the committee, has contributed greatly to the success of the bill.

I believe that if we pass this bill we can prevent some of the very serious abuses in regard to misrepresentation of fiber products that have occurred in the past.

When I was in New York last fall, a representative of the Federal Trade Commission showed me some examples of how products had been sold in the department stores of that city that actually endangered the health of the consumer involved because of misrepresentation, without regard to the fact that the consumer had been misled into spending money for something it would have been unwise for her to purchase in the first place.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield.

Mr. WILLIAMS of Mississippi. I wish to join my colleague from Alabama [Mr. ROBERTS] in congratulating the gentleman from Mississippi on the fine work he has done on this legislation.

As a member of the Committee on Interstate and Foreign Commerce, I, of course, have firsthand knowledge of the great amount of work my colleague from Mississippi has done, with the result that we have been able to report legislation which is going to be workable and which, I believe, will be acceptable to all segments of the industry involved.

I hope this legislation will be accepted by both Houses and sent to the President for his signature prior to adjournment.

Mr. SMITH of Mississippi. I thank the gentleman.

Mr. SADLAK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Connecticut.

Mr. SADLAK. I note on page 8 there is a committee amendment which states that if it is an imported textile fiber product the name of the country where processed or manufactured shall be shown. As I read the bill, the end product would not only state the content, whether it is rayon or cotton, but it would have a second stamp saying it came from Japan or Czechoslovakia?

Mr. SMITH of Mississippi. If it were manufactured in another country, the requirement would be that that country would have to be shown. In other words, the foreign country of origin would have to be shown.

Mr. SADLAK. There would be a dual purpose to the stamp: It would state the content and the country where manufactured?

Mr. SMITH of Mississippi. Yes; the gentleman is correct. However, it would not be necessary to have two labels to accomplish this dual purpose. Both the fiber content and the name of the coun-

try of origin may, under the act, be put on the same label.

Because it seems possible that there may be other questions along these lines, I would like to take a few minutes to explain the background of the legislation, how it was worked out, and what it can be expected to accomplish in behalf of the consumer, the fiber producer, and the textile manufacturer.

H. R. 469, as you know, is a revision of the Textile Fiber Products Identification Act which I introduced in the 84th Congress. In the months since the adjournment of the 84th Congress, I have had the privilege of meeting with many representatives of the textile industry and related groups, as well as with the Federal Trade Commission. With the generous cooperation of the Interstate and Foreign Commerce Committee, we have had the opportunity to discuss the legislation with these groups, and to work out new or revised provisions to insure maximum protection to the consumer with a minimum of burden on manufacturers, retailers, and the Federal Trade Commission.

I do not believe it is possible to over-emphasize the importance of mandatory textile labeling in the ever-expanding textile industry. The number of fibers available for the manufacture of textiles has tripled in the past 15 years. Many new fibers are in pilot or test stages of development and even more are in earlier stages of chemical experimentation. Only a few of the textiles now available to consumers can be readily identified, and as the list of synthetic and blended textiles grows longer, identification becomes less and less possible.

No one would suggest that these important textile developments are undesirable, but protection for fiber producers, textile manufacturers, and consumers is essential if quality and markets are to be maintained and confusion, waste, and even fraud, are to be avoided.

We are all familiar with some of the more serious instances of deception and fraud in the sale of textiles. Perhaps one of the most dramatic of these in recent years was the rayon "torch" sweater, sold as cashmere, which actually threatened the lives and safety of purchasers. The dramatic examples, however, are scattered, and when they occur they are usually corrected promptly as a result of the widespread and vehement indignation they create. This is not true of the day-in, day-out lack of adequate information with which the consumer must contend, a lack which costs her in countless ways and in the long run costs the manufacturer and the producer as well.

Only by requiring that all fibers be identified can the farmer who produces the natural fiber and the chemical industrialist who produces the synthetic fiber compete on fair terms. Only in this way can the textile manufacturer who sustains quality be protected against the quick-market raids of the manufacturer who depends primarily on the cheaper, less durable fibers. And only in this way can the consumer be assured of obtaining the product she wants, and believes she is getting it.

The purpose of this legislation, then, is fourfold. It seeks to eliminate the threat to the American farmer, whose fiber product must compete with lower priced, often lower quality, synthetics which frequently duplicate the natural product in appearance. It seeks to protect the producers of the quality synthetics against the reputation-damaging producers of textiles advertised as containing those quality fibers when in fact they do not contain them. It seeks to protect the reliable textile manufacturer against the cost-cutting, quality-cutting practices of the less reliable manufacturer. And last in the chain but perhaps foremost in effect, it seeks to protect the consumer by insuring that when she buys a textile product, she will know what fibers are contained in that product and, thus, what can be expected of it and how it should be handled.

I would like to give you a few examples of how H. R. 469 will afford this kind of protection.

Today, rayon is the cheapest textile fiber. In many uses it serves quite satisfactorily. But in many others it lacks the basic characteristics essential for satisfactory performance—durability, launderability, strength. In many such uses, cotton is the traditional fiber. Cotton is almost synonymous with long wear, shrink resistance, and easy laundering.

Recently there has been a concerted drive by some rayon producers to persuade textile mills to blend rayon with cotton in traditionally cotton articles. Unfortunately, a percentage of rayon in a cotton fabric does not generally change the appearance or even the feel of the fabric. If that fabric can be sold as an all-cotton fabric—and it usually can because it looks like cotton—the manufacturer can substantially increase his profit because his product is made of a substantially cheaper fiber. The consumer does not know her cotton product is part rayon, and she does not find it out until the product shrinks out of shape, or wears out too soon, or proves unsatisfactory for some other reason. And even then, in most cases, she does not blame the rayon blend, because she does not know it is there. She simply concludes that cotton is not as good as it used to be.

The damage in this chain is obvious—the cotton farmer suffers because cotton's reputation is put at question; the reliable manufacturer, who uses all cotton in the products he sells as all cotton, suffers because his products become suspect along with the others; the retailer suffers because he sold an unreliable item, and the consumer suffers because she was led into paying her money for something she didn't get.

The cotton farmer already faces a desperate fight for his markets. I do not believe he should be subjected, in addition, to this kind of competition. And I do not believe that the textile manufacturer, or the retailer, or the consumer, should be subjected to it. Eventually, as the textile competitors, in self-preservation, take the same avenue of cost cutting, the steadily decreasing quality of textile fabrics could very easily destroy public confidence in all textile products.

All blends are not, of course, inferior products. Fiber blending is increasing rapidly in the textile industry and will continue to increase, as it should. New and different properties can be given to fabrics by blending two or more fibers together, properties which are both useful and desirable.

But the qualities that result from blending depend not only on the types of fibers mixed together, but on the amount of each fiber included. This is another reason why the fiber content of textile fabrics should be disclosed.

A good example of this is the blending of nylon with other fibers. Nylon has been called a miracle fiber, the first of an ever-growing collection of synthetic fibers of many important uses. It has proved to be one of the most wear-resistant of the textile fibers, and when blended with other fibers, it can significantly increase the life of the fabric. Nylon, however, is relatively expensive. In staple form it costs about \$1.35 a pound, against something like 29 cents a pound for rayon. This has led to some rather astonishing practices in textile blending and advertising.

The du Pont Co., developer and major producer of nylon, states that generally the nylon content of a fabric must be at least 30 percent if the benefits of nylon are to be realized in that fabric. In spite of that known fact, however, many textile articles have been put on the market and promoted as nylon products when the actual nylon content was sometimes as low as 1 percent. That amount of nylon does nothing but deceive the public.

As in the case of the rayon-cotton blend, this practice hurts everyone along the line—the nylon producer, the honest textile manufacturer, the retailer, and the consumer.

Much the same thing is true of many of the other blending fibers like dacron and orlon. These fibers are blended, for the most part, to achieve certain properties—hand, wrinkle resistance, and texture. The producers of these fibers say that a fabric must contain at least 50 percent of these fibers to attain the desired results. Yet the price differential between these quality synthetics and the cheaper fibers is an open invitation to cut the expensive fiber in favor of the cheaper part of the blend.

So long as the fiber content of textile fabrics is not required to be made known to the consumer, the industry cannot protect itself or its customers from cost-inspired, quality-cutting practices. And the consumer is left at the mercy of the manufacturer who elects to produce, to his own profit, a cheaper product that he can advertise on the basis of a promotionally valuable fiber—cotton, nylon, dacron, linen, silk, orlon—even though the product may not contain enough of these fibers to show any real benefit.

Many trade groups representing cotton farmers, fiber producers, fiber processors and textile manufacturers favor this legislation, because they recognize that in it lies their only protection from snowballing cost-cutting practices and from the destruction of the good name of their products.

Still another group, the service industries, which include the laundries and dry cleaners, strongly favor fiber identification, because only by disclosure of fiber content can they be sure how best to launder, to clean, and to press textiles of various types.

Some of you may be familiar with the efforts of the cotton industry to expand the consumption of cotton through research, promotion, and advertising. The industry is to be complimented for the successful work it has been doing along these lines. The cotton farmer, by his voluntary contributions to these promotion campaigns, has played an important role in building the reputation of many brands of apparel and household items and industrial cotton goods. Yet about four-fifths of the cotton articles now on the market are not identified as such, and cotton is losing each year the benefit of some eight to ten million dollars' worth of national advertising. It seems to me that the cotton farmer is entitled to share in the value of cotton's reputation, which he helped to create. We can help the cotton industry help itself if we enact adequate labeling legislation. This protection has been provided for the wool-grower, and it should certainly be extended to the hard-pressed cotton farmer.

In our discussions over the past 2 years with representatives of industry and Government in drafting this legislation, we have sought to work out reasonable solutions to some of the problems presented. I would like to discuss, briefly, some of the questions that have been raised, and why I believe they are not valid in the consideration of mandatory labeling.

It has been argued, for example, that content labeling will not convey really worthwhile information to the consumer, and that so-called performance labeling is the more desirable solution. I'm sure every homemaker in America would be grateful for performance labeling that would tell her exactly how the textile she buys would react to water or an iron at 100°, or 200°, or 500°, and how long it could be expected to last if properly handled, and whether the color would survive soap, or detergent, or sun, or the years. Unfortunately, the industry itself concedes that there is no agreement on a standard of performance characteristics or the method of measuring those characteristics. Any general acceptable standard for performance labeling is therefore a dream of the distant future.

Lacking performance data, fiber content labeling will give the consumer specific information on what she is buying, and this, when related to the wealth of published information on the characteristics of the various fibers, will afford her tremendous protection that she does not now have.

It has also been suggested that mandatory labeling would greatly increase the cost of textile fabrics because of the cost of labeling. Almost every fabric or textile item is now labeled in some manner. Adding fiber content information to an already existing label will not significantly increase cost. The same cry was raised in connection with the

Wool Products Labeling Act, and it has long since proved to be without foundation.

I think it should also be mentioned here that mandatory fiber content labeling will not force the disclosure of trade secrets. To determine the fiber content of any manufacturer's fabric today, all his competitors need do is subject the fabric to laboratory analysis. They can in this way determine not only what fibers compose the fabric, but the quantity of each in the blend. The only person who cannot tell, and who can thus be deceived either by a lack of fiber content disclosure or by misleading promotional material, is the consumer.

We recognize that it is desirable to achieve the objectives of the act without imposing unnecessary burdens on the industry. H. R. 469 was written with this clearly in mind, and after extended conferences with many representative groups. I believe it affords maximum protection with a minimum of requirements. I should like to outline some of the principal provisions of the bill.

Section 1, of course, contains the title of the bill, "The Textile Fiber Products Identification Act."

Section 2 defines the scope of the act, which is broad but in no way unreasonable. I think it makes clear, in its definitions of the terms used in the bill, that we seek here the labeling of textile fiber products of apparel and household-use nature, whether they are in fact used personally or in the home, or in a hotel, or in a restaurant or elsewhere.

We do not seek to require fiber content labeling of industrial-use fibers, and in a later section—section 12—certain specific exemptions from coverage are made for items which have an inconsequential textile fiber content, or where the disclosure of fiber content is not necessary for the protection of the consumer. These include such things as stiffenings, trimmings, hats, lamp shades, toys, linings, and so forth. In addition, the Federal Trade Commission may exclude additional products, after public hearing, if it is felt that their labeling would serve no useful purpose.

H. R. 469 does not repeal or sacrifice any of the provisions of the Wool Products Labeling Act, which has served the American woolgrower and the public so well. It does, in fact, bring under labeling coverage some of the wool items, including carpets and rugs, which are exempted from the Wool Act. The carpet industry now considers it desirable to be covered under labeling legislation.

Section 3 declares misbranding unlawful, and defines misbranding as the failure to disclose the fiber composition of textile fiber products. An important provision of this section is that such disclosure will not be required until the textile fiber product is in the form intended for sale or delivery to, or use by, the ultimate consumer. This provision eliminates unnecessary labeling of individual products by processors, but it does require processors to identify the fiber content on the invoice covering the sale or shipment of products which have not yet reached the form in which they will

be sold to or used by the consumer. Section 3 also exempts, under carefully specified conditions, related operations such as those of common carriers, exporters and publishers and advertising agencies.

Section 4 defines the information which must be disclosed in order that a textile fiber product not be misbranded. The percentage of each fiber in a textile fiber product must be stated, in the order of predominance by weight of each fiber in the product.

This section has several important provisions designed to protect both manufacturer and consumer. One of these specifies that fibers present in less than 5 percent of the total weight of the product shall not be identified by name, but only as "other fiber." The reason for this is that such small amounts of fiber do not contribute usefully to the quality or performance of a fabric, and their disclosure by name can only be a misleading form of promotion.

Another important provision allows manufacturers a processing tolerance. It is sometimes impossible to control exactly the percentage of fiber in a blended fabric, and H. R. 469 specifically states that a deviation in fiber content from that stated on the label which resulted from unavoidable variations in manufacture, despite due care to make the statements accurate, shall not constitute misbranding.

This makes it clear that manufacturers are required to exercise every care to make the statements on the labels accurate, but that they are not to be called to account under the enforcement provisions of the act for unavoidable manufacturing deviations. It is my understanding that under reasonably careful conditions, deviations would not exceed about 4 to 5 percent. And obviously, no deviation would be permitted in a fabric labeled as 100 percent any fiber.

Section 4 also contains the assurance that the act does not require an additional label. The fiber content of the fabric may be shown on an existing label which contains other information, such as trademarks, or included on the size tag or other identification device normally used, so long as it does not violate the provisions of this act. This makes it clear, I think, that compliance with the act can be achieved by using the forms of labels presently in use by manufacturers and retailers.

Another provision of section 4 relates to imported textile products. It requires that the name of the country of origin be disclosed where the textile product is imported.

Section 5 sets forth reasonable, effective means by which textile fiber products may be relabeled by retailers, for example, who wish to use their own labels. It also makes unlawful the removal of labels without their appropriate replacement.

Section 6 provides for the keeping of the minimum records necessary for proper enforcement of the act and for the protection of all persons required to comply with the act.

Sections 7 and 8 provide for enforcement of the act and give to the Federal Trade Commission the powers of injunc-

tion, but they do not contain the onerous condemnation proceedings which are found in certain other Federal acts of this general nature. Condemnation and seizure is not believed to be a necessary procedure for adequate enforcement of this act and what it seeks to accomplish.

Included in the authority granted the Commission, in section 7, to make rules and regulations for enforcement of the act is a specific direction that the Commission establish generic names for manufactured fibers. The language of H. R. 469 does not, in specific terms, spell out the method by which generic names shall be established, but this matter has been discussed at length with the Commission and industry representatives, and there is a clear understanding that it is the intent of H. R. 469 that the Commission shall hold oral, public hearings in connection with the determination of generic names of all manufactured fibers, those presently in existence and those developed in the future.

Section 9 covers identification of textile fiber products imported into the United States and in its coverage places imported textile products on a competitive footing with domestically produced textile products insofar as fiber content labeling is concerned.

Section 10 provides needed protection for those who handle or process a fiber, in that they may rely, in labeling or marking the fiber content of a textile product, on the information furnished to them by the person from whom they obtain it.

Section 11 is the penalty provision relating to willful violations of the act.

Section 12, as I mentioned earlier, contains the exemption of certain items for which fiber identification is considered insignificant. Section 13 is the separability clause, and section 14 relates to existing laws.

The effective date of the act, as provided in section 15, will be 18 months after its enactment, and this section requires that the promulgation of rules and regulations for the administration of the act by the Federal Trade Commission be completed within 9 months after passage of the act, thus providing a full 9 months for all parties coming under its coverage to prepare for compliance.

Section 15 also affords a needed protection to the small retailers over the country who sometimes carry stocks for a long time, in that it gives the Commission authority to except from the requirements of the act any textile fiber product acquired prior to its effective date.

Mr. ROBERTS. Mr. Chairman, I wish to go on record as endorsing H. R. 469, the Textile Fiber Products Identification Act, and to say that I cannot overemphasize the need for this legislation.

This act would simply give cotton the same treatment that has been accorded to wool under the provisions of the Wool Labeling Act. It would enable the consumer to know what he is purchasing and it would help protect the cotton farmer. The problem of misbranding has existed for a long time in the textile industry, and I think we have a duty to the consumer to let him know what he

is getting, and not to allow him to be misled or deceived.

One of the reasons the textile industry is in a bad condition is the competition it must contend with from countries—Japan, mainly—which produce cotton goods with cheap labor. In many parts of the country, mills are closing. In my own section, some of the mills are on short time.

The cotton farmer is also hurting seriously. All of us know that with the tremendous cuts in acreage allotments, many cotton farmers actually are leaving their land and seeking industrial employment. You can see this readily in Alabama.

While this act doubtless will not solve all the problems of the textile industry or the cotton farmer, I think it is a strong step in the right direction.

Cotton has many marvelous characteristics and the cotton industry has spent a great deal of time, money, research, and imagination in producing their products. They deserve the right to have their efforts properly labeled.

Many new fibers have been and are being developed. While this is highly desirable, it is essential that there be some manner of protection for fiber producers, textile manufacturers, and consumers if quality and markets are to be maintained without confusion, waste, and even fraud.

I want to commend the gentleman from Mississippi [Mr. SMITH] for his untiring efforts in this legislation. Last year I introduced a companion bill. That is how much I believe in the worth of this act and that is the way I feel about the legislation now before this body. I hope it will pass by a resounding vote.

Mr. WOLVERTON. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. MORANO].

Mr. MORANO. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORANO. Mr. Chairman, in a number of recent statements, both on the floor of the House and in public, the distinguished freshman Representative from Oregon has spoken rather persuasively against the Government of the Dominican Republic.

On August 4, while appearing on the television program Meet the Press, he made the statement that he would favor a revolution and its result chaos in that island stronghold of resistance against communism.

The gentleman's sincerity in all that he advocates, I am sure, is motivated by only the highest principles and his interest in the welfare of a constituent, young Gerald Murphy, whose disappearance in the Dominican Republic has occasioned much speculation. I, and the other Members of the House, hope with him, that an explanation of the Murphy case is obtained eventually and that it is satisfactory to all concerned.

As one who has traveled extensively in Latin America and has made addresses before groups in many of these nations in their national tongue, however, I am left

with the impression that the gentleman from Oregon, through a lack of knowledge of the politics, customs, and emotions of the people with whom he is dealing, perhaps is destroying friendships it has taken the United States years to cultivate, and is, at the same time, championing those very forces our Federal Government is attempting with such effort and expense to eradicate.

I believe I can say without offense to the gentleman from Oregon and in all candor that the internal affairs of a particular country may be studied best at firsthand. It is difficult for the Members of this body and the American public to believe that one who has never been to the Dominican Republic could be an authority on its internal affairs.

Before pressing this subject further, I should like to point out that the House of Representatives long has seen fit to handle matters affecting this Nation's foreign affairs through its appointed committees, made up of members from both major political parties. As a member of the Committee on Foreign Affairs, I can say that no matter concerning our vital hemispheric diplomacy has ever been brought to the attention of this committee without receiving careful and diligent study. And although the decisions of this committee may, at times, be contrary to the wishes and views of some of its members, they are never arrived at capriciously or because of immature study and thought. The members of the committee have, through practical, day-to-day dealing with all matters concerning United States relationship with other nations, become thoroughly familiar with the factors which contribute to the security of this hemisphere. Most of these committee members, in addition, have spent considerable time and efforts in Latin America, studying the governments, characteristics and political views of the people involved.

I point this out so that the gentleman from Oregon may understand more clearly that the House is capable of coping with problems of the type he now is attempting to solve. The Subcommittee on Inter-American affairs of the House has heard testimony from the State Department and is satisfied that appropriate measures are being pursued in an attempt to solve the Galindez-Murphy mystery and allegations.

Similarly, an amendment which would deny Mutual Security funds to the Dominican Republic because of its Government was almost unanimously condemned by a vote of the full House, as the sponsor of this and other similar amendments, the gentleman from Oregon is aware of the apathy with which the House of Representatives looks upon his one-man campaign.

I wish to repeat that the concern of the gentleman from Oregon about the welfare of a constituent is a legitimate one, but which should, nevertheless, have been directed by him to those best fitted to handle the matter. Had the problem concerned the Post Office and Civil Service Committee, on which he serves so knowledgeably, then his procedure would be correct, proper, and unpresumptuous.

The result of the crusade being carried on by the gentleman from Oregon has been an endless chain of inconsistencies, all of them despite claims to the contrary, detrimental to the best interests of the United States.

I say this because the principal beneficiaries of the campaign thus far have been Communists and Communist sympathizers here and throughout those nations to the south of us which are struggling so hard to keep Soviet influence from their shores.

That the campaign against the Dominican Republic and its leader has found acceptance in some reputable sections of the press and the public is of insignificant import when one considers that it is heaping high the fuel of anti-Dominican sentiment on fires started by such as the Daily Worker and similar publications throughout Latin America.

It is of passing consequence that the motives of a United States Congressman are altruistic when they serve but to carry out a subversive design of the Kremlin to destroy the most anti-communistic nation in the Caribbean. It is not enough that one should be motivated by sincerity and dedicated to the abolition of what he views as a dictatorship if in the realization of these ambitions he supplants a government friendly to our own with one steeped in the ideologies of Marxism.

I make these statements, Mr. Chairman, with the deep conviction gained through years of an on-the-scene relationship with our neighbors to the south. I cannot conceive of a circumstance where my own first-hand observations, the opinions of my experienced and learned colleagues on the Foreign Affairs Committee and the almost unanimously expressed sentiments of this legislative body could be in error while the charges and demands of a member of the Post Office and Civil Service Committee, who never set foot on the shore of the nation in question, are proper and correct.

I repeat, Mr. Chairman, my belief that the gentleman from Oregon has been prompted and encouraged in his campaign against the Dominican Republic only by a naivete of our foreign policies and not by careful thought.

No degree of rationalization, Mr. Chairman, could justify a reputation as an expert in such matters for one who has taken incongruous positions on so wide a variety of foreign affairs matters as has the gentleman from Oregon.

The legislative record of the gentleman from Oregon, I believe, will establish rather definitely that this campaign against the Dominican Government, through which this Nation has obtained use of strategic military bases on the islands, is, to say the least, unfounded in any known concept of foreign relations.

He would, for instance, continue to grant aid to communistic Yugoslavia and its dictator, Marshall Tito, as a military necessity, but advocated the abolition of aid to the friendly Dominican Republic.

He would cancel our trade with the Dominican Republic, but advocates a

resumption of trade with Communist China.

He has urged a severance of diplomatic ties with the Dominican Republic, but during his recent campaign for Congress advocated recognition of Red China.

He has launched his campaign because a young constituent, whom he has branded as an international kidnaper, vanished in the Dominican Republic, but he has remained wondrously silent on the subject of 450 servicemen—many of them Oregon constituents—missing behind the Bamboo Curtain of China and about whom the Communist Chinese refuse us any information at all.

He has carried his anti-Dominican preachings into several Latin American countries where the general public believes his opinions to be the official views of the United States Government.

In all this, he has attempted to martyr a blackmailer and embezzler named Jesus Galindez, who stands accused of ordering, while serving Russia in the Spanish Civil War, the execution of 11 Catholic bishops, countless priests and others whose only sin was an avowed distrust of communism.

Apparently by way of rationalizing his crusade, the gentleman from Oregon has said he is opposed to all dictators and has likened General Rafael Trujillo to Adolf Hitler.

Thousands of Jewish refugees from the Nazi terrorism of the World War II era, however, have found no such similarity. As the gentleman from New York [Mr. MULTER] pointed out on the floor of this house, the Dominican Republic opened its doors widely to these persecutees from Nazi Germany and now, under the administration of this same General Trujillo, they enjoy peace, prosperity, and voice in government they had never known before.

In conclusion, I suggest that the gentleman from Oregon concern himself only with those matters about which he has knowledge and allow the President and the appropriate committees of Congress handle questions of American foreign policy.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. MORANO. I yield to the gentleman.

Mr. ULLMAN. Mr. Chairman, I want to say to the gentleman that the charges he is making are rather serious and I ask him whether or not he notified the gentleman from Oregon [Mr. PORTER] that he was going to make these statements on the floor of the House?

Mr. MORANO. No; I would have been happy to notify him had I known I was going to be able to get the floor. I did not know whether I was going to be yielded any time, and I did not know whether I was going to be permitted to speak out of order. But I would be perfectly willing to repeat them in his presence.

Mr. ULLMAN. It is my opinion that charges as serious as these—

Mr. MORANO. These are not serious charges. The possible impairment of our foreign policy by the gentleman from Oregon, however, is serious.

Mr. ULLMAN. It is my opinion that charges as serious as these should be made at the time the Member is on the floor because, as the gentleman knows, we always attempt to be fair in our proceedings here. It seems to me that would have been the fair thing to do.

Mr. MORANO. I repeat that had I known that I was going to be able to get the floor to make this talk I would have been happy to notify the gentleman from Oregon.

Mr. WOLVERTON. Mr. Chairman, I have no further requests for time.

Mr. HARRIS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BARRETT].

(Mr. BARRETT asked and was given permission to speak out of order and to revise and extend his remarks.)

Mr. BARRETT. Mr. Chairman, those of us in the Congress who worked hard on this year's housing legislation believe that, all things considered, we came up with a housing bill which will supply much-needed help to prospective home owners and the home-building industry. As a member of the Subcommittee on Housing and the Committee on Banking and Currency, I am proud to have played a part in the evolution of this year's housing bill. Naturally the bill does not include everything I would like to see in it. But that is part of our democratic process where we fashion legislation acceptable to the majority and not necessarily completely acceptable to any single Congressman.

In the first place, this year's housing bill authorizes the administration to lower substantially the downpayment requirements under the FHA program. We must permit people to buy with smaller downpayments under the FHA program and help to fill at least a part of the vacuum created by the greatly reduced availability of GI loans.

Fostering home ownership is one of our greatest social objectives and accomplishments and I am proud to say I have always been in the forefront of the fight to make it possible for more and more moderate income families to buy homes of their own. I think the Congress was especially wise and foresighted in providing authority to the FHA to reduce down payments on FHA-insured loans. And I am glad to see that the administration—although with evident great reluctance—finally decided to carry out the will of Congress and reduced the required downpayments as we intended.

But I was greatly disturbed when I learned that the administration coupled this action with an announcement that the maximum interest rate on FHA loans was being increased from 5 to 5½ percent. To some extent this will nullify the advantages of lower downpayments and will just raise further the cost of home ownership for the average family. Bear in mind that in addition to the 5½ percent interest rate, the FHA home buyer must pay an annual mortgage insurance premium of ½ of 1 percent. Just think of it. This means that the FHA home buyer is paying nearly 6 percent to obtain a loan which is made ab-

solutely riskless by Government insurance.

I think that the time has come to restudy the entire FHA program because I am fearful the original intent and purpose of the FHA program is in danger of being completely nullified. In the short space of 7 months we have seen the FHA maximum interest rate raised from 4½ to 5 percent, and now to 5½ percent. We are obviously getting close to the point where the FHA program will no longer be able to serve the home ownership needs of the average American family. It all seems to be a part of the unending upward spiral in interest rates which this administration seems to regard as the cure-all to any economic problem.

I am fearful that somehow we must put a stop to these constantly climbing interest rates to prevent our country from reaching the point where the average family will just not be able to pay the heavy interest costs. With respect to the FHA program I think the Congress should determine whether some reasonable limit should not be placed upon the interest rate permitted on FHA-insured home loans, so that we can assure that FHA will meet its basic objective which is to permit families of moderate income to buy homes with a small downpayment and at reasonable financing costs.

In framing this year's housing bill we also attempted to come to grips with what I regard as the scandalous discounts which the administration was complacently condoning in the FHA, and particularly in the GI loan program. Discounts of as high as 10 percent have become common, and there is no doubt that ultimately these excessive discounts are passed on to the homeowner either through a higher price or through reduced quality of construction. A 10 point discount on a \$12,000 loan in effect means the home buyer is paying \$1,200 more for his house.

Under the Housing Act of 1957 the administration is directed to place reasonable ceilings upon discounts. We learned in our studies of mortgage finance that complete prohibition of discounts would not be practicable. But by requiring the administration to place reasonable ceilings on discounts we have acted to keep home financing costs to the home buyer at a minimum.

In order to make more FHA and GI loans available, we provided substantially increased resources for the Federal National Mortgage Association. This agency, known as Fannie May, stands ready to buy FHA and GI loans which cannot find an outlet in the private market.

Taken together these actions should help make homeownership a little easier and should help stimulate the lagging home-building industry which is so vital to the health of our overall economy.

Our housing legislation this year had many other worthwhile features.

One provision would encourage cooperative housing under FHA's section 213 program by making additional support money for corporate mortgages available under the special assistance pro-

gram of the Federal National Mortgage Association.

I am happy to say that we also provided additional funds for FNMA's special assistance program which gives special support to deserving housing programs such as cooperative housing and housing needed for urban renewal. In addition, we wrote in a requirement under which FNMA must pay par for special assistance mortgages, which will make favorable financing terms available to special assistance housing.

We provided substantial additional funds to make certain that the necessary financing will be available for the military housing program which is so vitally needed as an important adjunct to our national defense.

This year's legislation also provides additional money to continue the aid program for college housing. Our institutions of higher learning are facing a terrible problem in the face of ever-mounting enrollments, and the college housing loan program is the only way to assure that adequate housing will be available for students and faculty members. The grave shortage of registered nurses will also be helped by a provision in the bill which authorizes loans under the college housing loan program to be made to nonprofit hospitals in building housing for student nurses and interns.

The low rent public housing program which is the only hope for our lowest income groups will benefit by several important amendments contained in the bill. One amendment increases the income exemption for admission to and continued occupancy in public housing. Another would increase the per-room cost limits on public housing so that adequate housing can be built.

This year's legislation continues the fight on slums by providing an additional \$350 million for slum clearance grants. This money will be used to pay part of the cost of clearing our worst slum areas. Frankly, I wish we could have provided an even larger slum-clearance program because the problem is so vast that it can only be solved by a broad and ambitious program. I am as ardent an advocate of necessary economy as anyone, but I don't think we should attempt to economize on the misery of our slum dwellers in the lowest income group.

I hope that next year the Congress can put pressure upon the administration to go along with an ambitious slum-clearance program and also a stepped-up low rent public-housing program. This latter is absolutely essential to an effective slum-clearance program because most of the families uprooted by slum-clearance operations cannot afford high-priced private housing and can only obtain decent housing through federally aided low rent public housing.

Mr. Chairman, in closing I would like to state my belief that our housing problems are by no means solved. We must find a way to expedite our slum-clearance program. We must find a really workable program to permit the rehabilitation of structurally sound dwellings which are in areas of incipient blight. We must find ways to increase the efficiency of home building

construction and to reduce housing costs. We must find ways to provide decent housing at a reasonable cost for families in the lower middle income ranges, whose incomes are just a shade too high to qualify them for low-rent public housing, but too low to afford decent private housing. We must find ways to improve and expand our public-housing program. We must find ways to combat the community facilities problem which is becoming ever more acute in many more areas.

Our housing subcommittee will be conducting studies and holding hearings on a number of these subjects during the remainder of the 85th Congress. I think our subcommittee made some important contributions to our housing programs in the last Congress and I am confident that we can do the same in the present Congress.

Mr. HARRIS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment

• The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Textile Fiber Products Identification Act."

DEFINITIONS

SEC. 2. As used in this act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which has a length of at least 100 times its width or diameter, which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, outer coverings of furniture, furnishings of a type customarily used in a household regardless of where used in fact, beddings, and household textile goods.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric; except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with

foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(c) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(d) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotion material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*, That this

exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDED AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 percent or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 percent by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 percent or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That no deviation in the fiber content of any constituent fiber in the textile fiber product from the percentage stated on the tag, stamp, label, or other identification which resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such tag, stamp, label, or other identification, shall be a misbranding under this section.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is in an imported textile fiber product, whether in its original state or contained in other textile fiber products, the name of the country of origin.

(c) For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless such written advertisement contains the same information with respect to fiber content as that required to be shown on the stamp, tag, label, or other identification under section 4 (b).

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if

(1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission act.

(b) Any person—

(i) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce, may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag, label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this act shall maintain proper records showing the fiber content as required by this act of all such products made by him, and shall preserve such records for at least 3 years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as

will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least 3 years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission act.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this act; and any such person violating the provisions of this act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this act.

(c) The Commission is authorized and directed to make rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this act as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the commission under the Federal Trade Commission Act and such complaint is dismissed by the commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act.

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

SEC. 9. All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 4 of this act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of,

or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than 1 year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12. (a) None of the provisions of this act shall be construed to apply to—

- (1) upholstery stuffing;
- (2) linings or interlinings incorporated primarily for structural purposes and not for warmth;

(3) filing or padding incorporated primarily for structural purposes and not for warmth;

(4) stiffenings, trimmings, facings, or interfacings;

(5) backings of floor coverings;

(6) sewing thread;

(7) bandages and surgical dressings;

(8) waste materials not intended for use in a textile fiber product;

(9) textile fiber products incorporated in shoes or overshoes or similar outer footwear;

(10) textile fiber products incorporated in headware, handbags, luggage, brushes, lampshades, or toys.

The exemption provided for any article by paragraph (2), (3), or (6) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this act.

(b) The Commission may exclude from the provisions of this act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the act and the application of the remaining provisions to any person shall not be affected thereby.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other act of the United States.

EFFECTIVE DATE

SEC. 15. This act shall take effect 18 months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within 9 months after the enactment of this act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this act.

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, in view of the fact that this is rather a long bill, I ask unanimous consent that it may be considered as read, printed in full in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 1, strike out beginning with the word "has" down to and including the word "which" in line 2.

Page 2, line 22, strike out "outer coverings of furniture, furnishings" and insert "furnishings, beddings, and other textile goods."

Page 2, line 24, strike out "fact, beddings, and household textile goods" and insert "fact."

Page 6, line 1, strike out "promotion" and insert "promotional."

Page 6, line 21, strike out "misbranded" and insert "misbranding."

Page 8, line 12, strike out beginning with the word "If" down through and including the period in line 14, and insert the following: "If it is an imported textile fiber product the name of the country where processed or manufactured."

Page 10, line 15, strike out "any" and insert "Any."

Page 17, after line 10, insert the following paragraph: "(2) outer coverings of furniture."

Page 17, line 11, strike out "(2)" and insert "(3)."

Page 17, line 13, strike out "(3)" and insert "(4)."

Page 17, line 15, strike out "(4)" and insert "(5)."

Page 17, line 16, strike out "(5)" and insert "(6)."

Page 17, line 17, strike out "(6)" and insert "(7)."

Page 17, line 18, strike out "(7)" and insert "(8)."

Page 17, line 19, strike out "(8)" and insert "(9)."

Page 17, line 21, strike out "(9)" and insert "(10)."

Page 17, line 23, strike out "(10)" and insert "(11)."

Page 18, line 1, strike out "(2)" and insert "(3)."

Page 18, line 2, strike out "(3)" and insert "(4)" and strike out "(6)" and insert "(7)."

The committee amendments were agreed to.

Mr. MACK of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK of Illinois: Page 8, line 9, strike out beginning with the word "That" down through and including the period in line 15, and insert in lieu thereof the following: "That deviation of the fiber contents of a textile fiber product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification."

Mr. MACK of Illinois. Mr. Chairman, this is merely a clarifying amendment. It is transferring the burden of proof from the Federal Trade Commission to the manufacturer. It does not involve any substantial change in the legislation. It has been recommended by the Federal Trade Commission. I believe this amendment would make it easier for the Federal Trade Commission to enforce this legislation. Therefore, I ask for its adoption.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield to the gentleman from Arkansas.

Mr. HARRIS. I fully realize the purpose of the amendment offered by the distinguished gentleman, the chairman of the subcommittee. As I understand, it is in accordance with the recommendation of the Federal Trade Commission. Is that true?

Mr. MACK of Illinois. That is correct. It is carrying out the recommendation made by the Federal Trade Commission.

Mr. HARRIS. Is the gentleman familiar with the recommendations of the mills themselves with reference to preserving the tolerance provision, that is, requiring the Federal Trade Commission to make a finding of tolerance before the burden of proof shifts to the manufacturer?

Mr. MACK of Illinois. I think they would recognize a reasonable tolerance.

Mr. HARRIS. The amendment the gentleman has just offered does not provide that, though, does it?

Mr. MACK of Illinois. That is correct.

Mr. HARRIS. Would the gentleman object to an amendment to his amendment that would provide that as a matter of law?

Mr. MACK of Illinois. I would have no objection to it. I do not feel that it is necessary, but I certainly would have no objection to the inclusion of that in the amendment.

Mr. HARRIS. The gentleman sat through the hearings. Of course, everyone appreciates the great work the gentleman has done on this legislation. Is it true that the mills themselves fear what might happen to them if there is not a degree of protection in connection with the tolerance provision?

Mr. MACK of Illinois. I do not think I could question their apprehension on that point.

Mr. HARRIS. It is true they do have that apprehension?

Mr. MACK of Illinois. That is correct.

Mr. HARRIS. If the proviso could be offered to the gentleman's amendment and accepted, that would relieve that apprehension, would it not?

Mr. MACK of Illinois. Yes that would relieve the apprehension. I have no objection to it.

Mr. HARRIS. Yes, I appreciate that; but I want to find out where I am before I make this move, because I do not want to do anything that will in any way jeopardize the authority of the Federal Trade Commission in carrying out its responsibilities in connection with this important legislation. However, if we can preserve the authority of the Federal Trade Commission in carrying out its functions and responsibilities and at the same time remove any apprehensions on the part of one of the great industrial segments of this country, it seems to me it would make for much better and more satisfactory legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois [Mr. MACK].

The Clerk read as follows:

Amendment offered by Mr. HARRIS to the amendment offered by Mr. MACK of Illinois: At the end of the Mack amendment, insert the following: "Provided, That reasonable tolerances shall be established by the Commission."

Mr. THOMSON of Wyoming. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to make certain that in the opinion of the Chairman of the Legislative Committee neither the amendment nor the amendment to the amendment would in any way operate to bring those commodities or products that are now subject to the Wool Products Labeling Act of 1939 under the provisions of this bill.

Mr. HARRIS. Mr. Chairman, I want to make it perfectly clear to every Member of the House and to everyone interested in this problem that it in no way affects the Wool Products Labeling

Act of 1939. There is no amendment offered, and I understand no amendment will be offered to amend or in any way affect the Wool Products Labeling Act.

Mr. THOMSON of Wyoming. That was my conclusion and understanding. I appreciate the assurance given to us by the gentleman from Arkansas, Chairman of the committee that considered and reported this bill.

Mr. HARRIS. I want to give everyone that assurance because we had this question up in the committee over a long period of time, and in order to make it perfectly clear and fair to everybody, and particularly the gentleman from New York [Mr. O'BRIEN] and our distinguished chairman of the subcommittee [Mr. MACK], it was suggested and the committee agreed that there was a problem on the issue, but it was a separate problem from that which this bill deals with. Next year when we have an opportunity, this committee would go into that problem and hold hearings on it with a view to determining what, if anything, should be done in connection with that problem.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield.

Mr. HOLMES. I would like to ask the distinguished chairman of the committee, if the words he has added in his amendment to the amendment offered by the gentleman from Illinois [Mr. MACK] are not of vital interest to the gentleman from Mississippi [Mr. SMITH] and the people interested in this problem.

Mr. HARRIS. Of course, it is of vital interest to Mr. SMITH, and I might say that Mr. SMITH's interest is in the public interest here and the cotton mills are vitally interested in this question. This amendment is of vital concern to the mills and, therefore, I think it should be adopted.

Mr. HOLMES. I agree with the chairman and I am happy to support his amendment to the amendment.

Mr. HARRIS. I thank the gentleman very much.

Mr. THOMSON of Wyoming. Mr. Chairman, I would like to express my appreciation to the chairman and the members of the committee for excluding wool and wool products from this legislation because the Wool Products Labeling Act of 1939 has worked very well and has proven itself. I think that is a very wise decision.

Mr. O'HARA of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield.

Mr. O'HARA of Minnesota. Mr. Chairman, I would like to ask the chairman of the committee this question. Does either the amendment or the amendment to the amendment in any way affect the Fur Labeling Act?

Mr. HARRIS. It does not. If the gentleman will yield to me at this time, may I explain to the Members that in 1940 the Congress passed the Wool Products Labeling Act of 1939. In 1951, the committee reported the bill referred to as the Fur Products Labeling Act, sponsored by our distinguished col-

league, the gentleman from Minnesota [Mr. O'HARA].

We have wool labeling legislation; we have fur labeling legislation. Now this would provide for textile labeling of all other textiles not now covered by law.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

I would like to ask the distinguished chairman, Where is the burden of proof under the Wool Products Labeling Act?

Mr. HARRIS. The burden of proof in the Wool Products Labeling Act is on the manufacturer, and this amendment would merely provide the same requirement as to the burden of proof with respect to the proposed legislation. The proviso that is offered here only requires that the Federal Trade Commission make a finding of reasonable tolerance, and then the burden of proof moves to the manufacturer, where it should be.

Mr. SPRINGER. A prima facie case is made by the Commission first. Is that right?

Mr. HARRIS. Yes.

Mr. SPRINGER. And then the burden shifts to the manufacturer?

Mr. HARRIS. Then the burden shifts to the manufacturer.

Mr. SPRINGER. To prove himself not guilty of the charge.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. McCULLOCH. Does the amendment to the amendment grant authority to the Federal Trade Commission that is otherwise prohibited under the bill?

Mr. HARRIS. I was seeking an opportunity to ask unanimous consent to withdraw the amendment to the amendment in order that the gentleman from Illinois [Mr. MACK] could withdraw his amendment and offer an amendment that has been worked out, and which we intended to offer in the first place.

I make such a request, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas: that the two amendments be withdrawn?

There was no objection.

Mr. MACK of Illinois. Mr. Chairman, I offer an amendment. This is the amendment I intended to offer originally.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK of Illinois: Substitute for the present proviso beginning on line 9 the following language: "Provided further, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission: And provided further, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification."

The CHAIRMAN. The gentleman is recognized in support of his amendment.

Mr. MACK of Illinois. Mr. Chairman, I think everyone thoroughly understands what we are trying to do. This was the original amendment I intended to offer, but because of objections I offered a substitute amendment.

I understand there is no objection to the amendment at this time.

Mr. SADLAK. Mr. Chairman, will the gentleman yield?

Mr. MACK of Illinois. I yield.

Mr. SADLAK. Originally when the gentleman submitted the amendment, he said it was a qualifying amendment and then he likewise used in that amendment the words "unavoidable variation." The chairman offered the word "tolerance." Now the gentleman submits a new amendment clarifying it, but once more he uses the words "unavoidable variations." Is there somewhere in this report a complete definition as to what is meant by "unavoidable variations"?

Mr. MACK of Illinois. It is only a question of proving unavoidable variations. It is a question as to whether or not the Federal Trade Commission must prove that or whether the manufacturer must prove that this was an unavoidable variation, rather than a willful violation of the act. That is the reason for offering the amendment, to transfer the burden of proof from the FTC to the manufacturer.

Mr. SADLAK. That is sufficiently clarifying for me.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. MACK of Illinois. I yield.

Mr. McCULLOCH. Is there a precedent for such a provision of law as has been suggested by this amendment?

Mr. MACK of Illinois. I am sorry; I did not understand the question.

Mr. McCULLOCH. Is there precedent for such provision of law as has been suggested by this amendment?

Mr. MACK of Illinois. Yes. The same provision is included in the Wool Products Labeling Act of 1939.

Mr. McCULLOCH. And the gentleman from Illinois is not fearful of granting this additional authority to the Federal Trade Commission?

Mr. MACK of Illinois. No; I think it just facilitates the enforcement of the law. I think it would have been impossible for the Commission to enforce the act if we had not inserted some such amendment.

Mr. McCULLOCH. Will the gentleman yield further, Mr. Chairman?

Mr. MACK of Illinois. I yield.

Mr. McCULLOCH. Was this amendment submitted to and considered by the committee?

Mr. MACK of Illinois. This amendment was not considered by the committee. It was something that had been called to my attention and at the time the committee met in executive session I failed to call the attention of my colleagues to it.

Mr. McCULLOCH. It was submitted by the Federal Trade Commission?

Mr. MACK of Illinois. Yes, and I have a letter addressed to me yesterday from that body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Mack].

The amendment was agreed to.

Mr. MACK of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK of Illinois: Page 9 line 8 strike out section 4 (b), and insert in lieu thereof the following: "Paragraph 1 of section 4 (b)."

Mr. MACK of Illinois. Mr. Chairman, the purpose of this amendment is to limit the requirements of disclosure in written advertisements to a disclosure of the constituent fibers in the textile product. It merely permits the manufacturer and the retail merchants to advertise in the newspapers without including all the material which is required on the stamp, tag, or label that we believe is not pertinent or relevant in the advertising of the merchandise.

I believe this is an amendment the retailers would like to have. This also has been recommended by the Federal Trade Commission.

One of the requirements in the bill would be to name the country of origin in which the textile fiber product was processed or manufactured. We feel it would be an undue burden to ask the retailers and manufacturers to list this in their written advertisements.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think this legislation is most desirable and I rise in support of H. R. 469 by the gentleman from Mississippi [Mr. SMITH], the so-called textile labeling bill now pending. I have felt for years that legislation along this line should be enacted by Congress. We are making a step in the right direction today. I realize that the bill is not in perfect form, but I am hopeful that necessary corrections can be made before final enactment.

A person who goes into a store for the purpose of buying a fabric is entitled to know what the fabric is made of. Many of us feel that cotton, generally speaking, is far superior to synthetic fibers. When we buy an article we are entitled to know what we are getting. This ought to be a good thing for the textile manufacturer, for the retail store, for the producer, and for the consumer.

I want to commend the Committee on Interstate and Foreign Commerce for bringing this bill to the floor. I certainly hope the bill may be perfected somewhat and enacted into final law at the earliest possible moment.

It happens that it is my privilege to represent one of the greatest cotton producing congressional districts in the United States. The cotton producers I represent, through their various farm organizations, have expressed keen interest in the pending measure. They will be most gratified over the favorable action which is being taken today in the passage of the Smith bill.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Mack].

The amendment was agreed to.

Mr. MACK of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK of Illinois: On page 11, line 2, strike out "(1)" and insert in lieu thereof "(1)."

Mr. MACK of Illinois. Mr. Chairman, this is a technical amendment to correct a paragraph number.

The amendment was agreed to.

Mr. LANE. Mr. Chairman, the Textile Fiber Products Identification Act brings much-needed protection to the American cotton farmer; to the American manufacturer of textile products; and to the American consumer, which includes virtually everyone in the United States.

I deliberately exclude the fraudulent producers and manufacturers of textile products who "palm off" inferior goods as first quality, to the detriment of all but themselves. Although few in number, they undermine public confidence in quality fibers and quality products by misleading claims.

The Wool Products Labeling Act of 1939 requires the truthful and informative labeling of wool products, but it does not extend to the advertising of such products.

With the development of quality synthetics and the custom of blending various fibers, slick operators moved in to take advantage of a wide-open loophole not covered by any law.

This new situation requires legislation to eliminate a manifest abuse.

All blends are not, of course, inferior products. New and different properties can be given to fabrics by blending two or more fibers together, properties which are both useful and desirable. But the qualities that result from blending depend not only on the types of fibers mixed together, but on the amount of each fiber included.

Here is where the short-change act takes place.

Trading on the reputation of quality synthetics and cotton, the shoddy manufacturer exploits both. He uses the names of both, but employs such small amounts in his blend that there is no real benefit from each. And when his cheap product fails to satisfy, the customer invariably blames the cotton or the quality synthetic, and not the manipulator who has taken advantage of all.

As the report of the Committee on Interstate and Foreign Commerce commented: "So long as the fiber content of textile fabrics is not required to be made known to the consumer, the industry cannot protect itself or its customers from cost-inspired, quality-cutting practices. And the consumer is left at the mercy of the manufacturer who elects to produce, to his own profit, a cheaper product that he can advertise on the basis of a promotionally valuable fiber—cotton, nylon, dacron, linen, silk, orlon—even though the product may not contain enough of these fibers to show any real benefits."

H. R. 469 covers all textile fiber products except those covered by the Wool Products Labeling Act of 1939.

It requires the labeling of a textile fiber product only when it is in the form intended for use by the ultimate consumer.

It provides for the disclosure of the constituent fiber content in all blends

and mixtures in the order of predominance by weight and percentage of each fiber present by weight, if such fiber constitutes 5 percent or more of the total fiber weight of the product.

It requires that imported textile fiber products be labeled as to the country where processed or manufactured.

In order to extend the protection contemplated, the bill will prohibit the marketing of misbranded or falsely or deceptively advertised textile fiber products which have been advertised or offered for sale in commerce, or which are offered for sale, advertised, sold, delivered, or transported after interstate shipment.

This bill will protect the consumers, the textile producers, and the American cotton farmer against those engaged in false and misleading practices.

It is a reinforcement of the consumer's right to know the truthful contents of the textile products that he buys.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, pursuant to House Resolution 388, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ATOMIC ENERGY COMMISSION APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent that it may be in order to consider a bill making appropriations for the Atomic Energy Commission for the fiscal year 1958—the last appropriation bill we will offer this session—at any time after Friday noon.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TABER. Mr. Speaker, reserving the right to object, I assume that this request is that it be considered subsequent to the foreign aid appropriation bill?

Mr. CANNON. That is the program.

Mr. MORANO. Mr. Speaker, reserving the right to object, will the gentleman from Missouri tell us whether or not he expects to finish the consideration of the mutual security aid appropriation bill tomorrow?

Mr. CANNON. That is our hope.

Mr. MORANO. How much general debate, can the gentleman tell me, does he

expect to ask for on the mutual security aid bill?

Mr. TABER. I think maybe I can answer that, Mr. Speaker, if the gentleman from Missouri will yield. The gentleman from Louisiana [Mr. PASSMAN] and I have talked about time and the figure that was spoken of was about 3 hours. I think that is definitely settled.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING SECTION 410 OF INTER- STATE COMMERCE ACT CHANG- ING REQUIREMENTS FOR OBTAIN- ING A FREIGHT FORWARDER PER- MIT

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 387 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1383) amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarder permit. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, at the conclusion of my remarks I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and at this time I yield myself such time as I may consume.

Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, House Resolution 387 makes in order the consideration of S. 1383, a bill to change the requirements for obtaining freight forwarder permits. The resolution provides for an open rule and 1 hour of general debate.

The reported bill, S. 1383, is identical to the bill, S. 3365, which passed the Senate in June, last year, was reported favorably by the Interstate and Foreign Commerce Committee on July 18, but was not brought up prior to the adjournment of the 84th Congress.

The bill amends subsection (d) of section 410 of the Interstate and Foreign Commerce Act. This subsection provides that the Commission can not deny a permit to a freight forwarder solely on the ground that such service will be in competition with the service performed by other freight forwarders. In effect, this section of the bill precludes the denial of almost all applications for freight forwarder permits. Now, when

a permit is denied, it is due to some unusual consideration in the particular application.

The amendment does not eliminate this section entirely, but limits its scope. It will remove the limitations on the Commission's powers insofar as all applications—other than those made by railroad-controlled corporations—are concerned. The amendment is designed to bring the requirements for forwarder permits more nearly in line with the requirements that exist with regard to the granting of operating authority to other types of common carriers subject to regulation under the Interstate Commerce Act, namely contract carriers by motor vehicle and by water. The bill will not effect bona fide shippers' associations as they are already excluded from regulation under provisions of the act.

I urge the adoption of House Resolution 387 so the House may proceed with the consideration of this bill.

Mr. ALLEN of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMEND SECTION 406 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5822) to amend section 406 (b) of the Civil Aeronautics Act of 1938 with respect to the reinvestment by air carriers of the proceeds from the sale or other disposition of certain operating property and equipment. After general debate which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, House Resolution 389 makes in order the consideration of H. R. 5822, to amend section 406 (b) of the Civil Aeronautics Act of 1938. The resolution provides for an open rule, with 1 hour of general debate on the bill.

The bill provides that in determining the need of airplane carriers for subsidies for the transportation of mail, the Civil Aeronautics Board shall not take into account capital gains derived from

H. R. 469

AUGUST 15, 1957

AN ACT

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Textile Fiber Products
4 Identification Act”.

SEC. 2. As used in this Act—

7 (a) The term “person” means an individual, partner-
8 ship, corporation, association, or any other form of business
9 enterprise.

10 (b) The term “fiber” or “textile fiber” means a unit of

1 matter which is capable of being spun into a yarn or made
2 into a fabric by bonding or by interlacing in a variety of
3 methods including weaving, knitting, braiding, felting, twist-
4 ing, or webbing, and which is the basic structural element
5 of textile products.

6 (c) The term “natural fiber” means any fiber that
7 exists as such in the natural state.

8 (d) The term “manufactured fiber” means any fiber
9 derived by a process of manufacture from any substance
10 which, at any point in the manufacturing process, is not a
11 fiber.

12 (e) The term “yarn” means a strand of textile fiber
13 in a form suitable for weaving, knitting, braiding, felting,
14 webbing, or otherwise fabricating into a fabric.

15 (f) The term “fabric” means any material woven,
16 knitted, felted, or otherwise produced from, or in combina-
17 tion with, any natural or manufactured fiber, yarn, or sub-
18 stitute therefor.

19 (g) The term “household textile articles” means arti-
20 cles of wearing apparel, costumes and accessories, draperies,
21 floor coverings, furnishings, beddings, and other textile goods
22 of a type customarily used in a household regardless of where
23 used in fact.

24 (h) The term “textile fiber product” means—

25 (1) any fiber, whether in the finished or unfin-

1 ished state, used or intended for use in household textile
2 articles;

3 (2) any yarn or fabric, whether in the finished or
4 unfinished state, used or intended for use in household
5 textile articles; and

6 (3) any household textile article made in whole or
7 in part of yarn or fabric;

8 except that such term does not include a product required
9 to be labeled under the Wool Products Labeling Act of 1939.

10 (i) The term "affixed" means attached to the textile
11 fiber product in any manner.

12 (j) The term "Commission" means the Federal Trade
13 Commission.

14 (k) The term "commerce" means commerce among the
15 several States or with foreign nations, or in any Territory
16 of the United States or in the District of Columbia, or be-
17 tween any such Territory and another, or between any such
18 Territory and any State or foreign nation or between the
19 District of Columbia and any State or Territory or foreign
20 nation.

21 (l) The term "Territory" includes the insular posses-
22 sions of the United States, and also any Territory of the
23 United States.

24 (m) The term "ultimate consumer" means a person who
25 obtains a textile fiber product by purchase or exchange with

1 no intent to sell or exchange such textile fiber product in
2 any form.

3 MISBRANDING AND FALSE ADVERTISING DECLARED

4 UNLAWFUL

5 SEC. 3. (a) The introduction, delivery for introduction,
6 manufacture for introduction, sale, advertising, or offering for
7 sale, in commerce, or the transportation or causing to be
8 transported in commerce, or the importation into the United
9 States, of any textile fiber product which is misbranded or
10 falsely or deceptively advertised within the meaning of this
11 Act or the rules and regulations promulgated thereunder, is
12 unlawful, and shall be an unfair method of competition and
13 an unfair and deceptive act or practice in commerce under
14 the Federal Trade Commission Act.

15 (b) The sale, offering for sale, advertising, delivery,
16 transportation, or causing to be transported, of any textile
17 fiber product which has been advertised or offered for sale
18 in commerce, and which is misbranded or falsely or decep-
19 tively advertised, within the meaning of this Act or the
20 rules and regulations promulgated thereunder, is unlawful,
21 and shall be an unfair method of competition and an unfair
22 and deceptive act or practice in commerce under the Federal
23 Trade Commission Act.

24 (c) The sale, offering for sale, advertising, delivery,
25 transportation, or causing to be transported, after shipment

1 in commerce, of any textile fiber product, whether in its
2 original state or contained in other textile fiber products,
3 which is misbranded or falsely or deceptively advertised,
4 within the meaning of this Act or the rules and regulations
5 promulgated thereunder, is unlawful, and shall be an unfair
6 method of competition and an unfair and deceptive act or
7 practice in commerce under the Federal Trade Commission
8 Act.

9 (d) This section shall not apply—

10 (1) to any common carrier or contract carrier or
11 freight forwarder with respect to a textile fiber product
12 received, shipped, delivered, or handled by it for ship-
13 ment in the ordinary course of its business;

14 (2) to any processor or finisher in performing a
15 contract for the account of a person subject to the
16 provisions of this Act if the processor or finisher does not
17 change the textile fiber content of the textile fiber
18 product contrary to the terms of such contract;

19 (3) with respect to the manufacture, delivery for
20 transportation, transportation, sale, or offering for sale
21 of a textile fiber product for exportation from the United
22 States to any foreign country;

23 (4) to any publisher or other advertising agency
24 or medium for the dissemination of advertising or pro-
25 motional material, except the manufacturer, distributor,

1 or seller of the textile fiber product to which the false
2 or deceptive advertisement relates, if such publisher or
3 other advertising agency or medium furnishes to the
4 Commission, upon request, the name and post office
5 address of the manufacturer, distributor, seller, or other
6 person residing in the United States, who caused the
7 dissemination of the advertising material; or

8 (5) to any textile fiber product until such product
9 has been produced in the form intended for sale or
10 delivery to, or for use by, the ultimate consumer:
11 *Provided*, That this exemption shall apply only if such
12 textile fiber product is covered by an invoice or other
13 paper relating to the marketing or handling of the textile
14 fiber product and such invoice or paper correctly discloses
15 the information with respect to the textile fiber product
16 which would otherwise be required under section 4 of
17 this Act to be on the stamp, tag, label, or other identifi-
18 cation and the name and address of the person issuing
19 the invoice or paper.

20 MISBRANDING AND FALSE ADVERTISING OF TEXTILE
21 FIBER PRODUCTS

22 SEC. 4. (a) Except as otherwise provided in this Act,
23 a textile fiber product shall be misbranded if it is falsely
24 or deceptively stamped, tagged, labeled, invoiced, adver-

1 tised, or otherwise identified as to the name or amount of
2 constituent fibers contained therein.

3 (b) Except as otherwise provided in this Act, a textile
4 fiber product shall be misbranded if a stamp, tag, label, or
5 other means of identification, or substitute therefor author-
6 ized by section 5, is not on or affixed to the product showing
7 in words and figures plainly legible, the following:

8 (1) The constituent fiber or combination of fibers in
9 the textile fiber product, designating with equal prominence
10 each natural or manufactured fiber in the textile fiber product
11 by its generic name in the order of predominance by the
12 weight thereof if the weight of such fiber is 5 per centum
13 or more of the total fiber weight of the product, but
14 nothing in this section shall be construed as prohibiting the
15 use of a nondeceptive trademark in conjunction with a
16 designated generic name.

17 (2) The percentage of each fiber present, by weight,
18 in the total fiber content of the textile fiber product, exclusive
19 of ornamentation not exceeding 5 per centum by weight of
20 the total fiber content: *Provided*, That, exclusive of permis-
21 sible ornamentation, any fiber or group of fibers present in
22 an amount of 5 per centum or less by weight of the total
23 fiber content shall not be designated by the generic name
24 or trademark of such fiber or fibers, but shall be designated

1 only as "other fiber" or "other fibers" as the case may be:
2 *Provided further*, That in the case of a textile fiber product
3 which contains more than one kind of fiber, deviation in the
4 fiber content of any fiber in such product from the amount
5 stated on the stamp, tag, label, or other identification shall
6 not be a misbranding under this section unless such deviation
7 is in excess of reasonable tolerances which shall be estab-
8 lished by the Commission: *And provided further*, That any
9 such deviation which exceeds said tolerances shall not be a
10 misbranding if the person charged proves that the deviation
11 resulted from unavoidable variations in manufacture and
12 despite due care to make accurate the statements on the
13 tag, stamp, label, or other identification.

14 (3) The name, or other identification issued and
15 registered by the Commission, of the manufacturer of the
16 product or one or more persons subject to section 3 with
17 respect to such product.

18 (4) If it is an imported textile fiber product the name
19 of the country where processed or manufactured.

20 (c) For the purposes of this Act, a textile fiber product
21 shall be considered to be falsely or deceptively advertised
22 if any disclosure or implication of fiber content is made in
23 any written advertisement which is used to aid, promote,
24 or assist directly or indirectly in the sale or offering for
25 sale of such textile fiber product, unless such written adver-

1 tisement contains the same information with respect to fiber
2 content as that required to be shown on the stamp, tag,
3 label, or other identification under paragraph (1) of
4 section 4 (b) .

5 (d) In addition to the information required in this sec-
6 tion, the stamp, tag, label, or other means of identification,
7 or advertisement may contain other information not violating
8 the provisions of this Act.

9 (e) This section shall not be construed as requiring the
10 affixing of a stamp, tag, label, or other means of identifica-
11 tion to each textile fiber product contained in a package
12 if (1) such textile fiber products are intended for sale to
13 the ultimate consumer in such package, (2) such package
14 has affixed to it a stamp, tag, label, or other means of iden-
15 tification bearing, with respect to the textile fiber products
16 contained therein, the information required by subsection
17 (b), and (3) the information on the stamp, tag, label, or
18 other means of identification affixed to such package is equally
19 applicable with respect to each textile fiber product contained
20 therein.

21 (f) This section shall not be construed as requiring
22 designation of the fiber content of any portion of fabric, when
23 sold at retail, which is severed from bolts, pieces, or rolls of
24 fabric labeled in accordance with the provisions of this section

1 at the time of such sale: *Provided*, That if any portion of
2 fabric severed from a bolt, piece, or roll of fabric is in any
3 manner represented as containing percentages of natural or
4 manufactured fibers, other than that which is set forth on the
5 labeled bolt, piece, or roll, this section shall be applicable
6 thereto, and the information required shall be separately set
7 forth and segregated as required by this section.

8 REMOVAL OF STAMP, TAG, LABEL, OR OTHER

9 IDENTIFICATION

10 SEC. 5. (a) After shipment of a textile fiber product
11 in commerce it shall be unlawful, except as provided in this
12 Act, to remove or mutilate, or cause or participate in the
13 removal or mutilation of, prior to the time any textile
14 fiber product is sold and delivered to the ultimate consumer,
15 any stamp, tag, label, or other identification required by this
16 Act to be affixed to such textile fiber product, and any
17 person violating this section shall be guilty of an unfair
18 method of competition, and an unfair or deceptive act or
19 practice, under the Federal Trade Commission Act.

20 (b) Any person—

21 (1) introducing, selling, advertising, or offering for
22 sale, in commerce, or importing into the United States,
23 a textile fiber product subject to the provisions of this
24 Act, or

25 (2) selling, advertising, or offering for sale a textile

1 fiber product whether in its original state or contained
2 in other textile fiber products, which has been shipped,
3 advertised, or offered for sale, in commerce,

4 may substitute for the stamp, tag, label, or other means of
5 identification required to be affixed to such textile product
6 pursuant to section 4 (b), a stamp, tag, label, or other means
7 of identification conforming to the requirements of section
8 4 (b), and such substituted stamp, tag, label, or other
9 means of identification shall show the name or other identifi-
10 cation issued and registered by the Commission of the
11 person making the substitution.

12 (c) If any person other than the ultimate consumer
13 breaks a package which bears a stamp, tag, label, or other
14 means of identification conforming to the requirements of
15 section 4, and if such package contains one or more units of
16 a textile fiber product to which a stamp, tag, label, or other
17 identification conforming to the requirements of section 4
18 is not affixed, such person shall affix a stamp, tag, label, or
19 other identification bearing the information on the stamp,
20 tag, label, or other means of identification attached to such
21 broken package to each unit of textile fiber product taken
22 from such broken package.

23 **RECORDS**

24 **SEC. 6. (a)** Every manufacturer of textile fiber products
25 subject to this Act shall maintain proper records showing

1 the fiber content as required by this Act of all such products
2 made by him, and shall preserve such records for at least
3 three years.

4 (b) Any person substituting a stamp, tag, label, or
5 other identification pursuant to section 5 (b) shall keep
6 such records as will show the information set forth on the
7 stamp, tag, label, or other identification that he removed and
8 the name or names of the person or persons from whom
9 such textile fiber product was received, and shall preserve
10 such records for at least three years.

11 (c) The neglect or refusal to maintain or preserve the
12 records required by this section is unlawful, and any person
13 neglecting or refusing to maintain such records shall be guilty
14 of an unfair method of competition, and an unfair or decep-
15 tive act or practice, in commerce, under the Federal Trade
16 Commission Act.

17 ENFORCEMENT OF THE ACT

18 SEC. 7. (a) Except as otherwise specifically provided
19 herein, this Act shall be enforced by the Federal Trade
20 Commission under rules, regulations, and procedure pro-
21 vided for in the Federal Trade Commission Act.

22 (b) The Commission is authorized and directed to pre-
23 vent any person from violating the provisions of this Act
24 in the same manner, by the same means, and with the same
25 jurisdiction, powers, and duties as though all applicable

1 terms and provisions of the Federal Trade Commission Act
2 were incorporated into and made a part of this Act; and
3 any such person violating the provisions of this Act shall
4 be subject to the penalties and entitled to the privileges and
5 immunities provided in said Federal Trade Commission
6 Act, in the same manner, by the same means, and with the
7 same jurisdiction, powers, and duties as though the appli-
8 cable terms and provisions of the said Federal Trade Com-
9 mission Act were incorporated into and made a part of
10 this Act.

11 (c) The Commission is authorized and directed to
12 make rules and regulations, including the establishment of
13 generic names of manufactured fibers, under and in pur-
14 suance of the terms of this Act as may be necessary and
15 proper for administration and enforcement.

16 (d) The Commission is authorized to cause inspections,
17 analyses, tests, and examinations to be made of any product
18 subject to this Act.

19 INJUNCTION PROCEEDINGS

20 SEC. 8. Whenever the Commission has reason to be-
21 lieve—

22 (a) that any person is doing, or is about to do, an
23 act which by section 3, 5, 6, 9, or 10 (b) is declared to
24 be unlawful; and

25 (b) that it would be to the public interest to enjoin

1 the doing of such act until complaint is issued by the
2 Commission under the Federal Trade Commission Act
3 and such complaint is dismissed by the Commission or
4 set aside by the court on review or until an order to
5 cease and desist made thereon by the Commission has
6 become final within the meaning of the Federal Trade
7 Commission Act,
8 the Commission may bring suit in the district court of the
9 United States or in the United States court of any Territory,
10 for the district or Territory in which such person resides or
11 transacts business, to enjoin the doing of such act and upon
12 proper showing a temporary injunction or restraining order
13 shall be granted without bond.

14 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

15 SEC. 9. All textile fiber products imported into the
16 United States shall be stamped, tagged, labeled, or other-
17 wise identified in accordance with the provisions of section
18 4 of this Act, and all invoices of such products required
19 pursuant to section 484 of the Tariff Act of 1930, shall set
20 forth, in addition to the matter therein specified, the infor-
21 mation with respect to said products required under the
22 provisions of section 4 (b) of this Act, which information
23 shall be in the invoices prior to their certification, if such
24 certification is required pursuant to section 484 of the Tariff
25 Act of 1930. The falsification of, or failure to set forth

1 the required information in such invoices, or the
2 falsification or perjury of the consignee's declaration pro-
3 vided for in section 485 of the Tariff Act of 1930, insofar
4 as it relates to such information, is unlawful, and
5 shall be an unfair method of competition, and an unfair
6 and deceptive act or practice, in commerce under the
7 Federal Trade Commission Act; and any person who
8 falsifies, or perjures the consignee's declaration insofar
9 as it relates to such information, may thenceforth be pro-
10 hibited by the Commission from importing, or participating
11 in the importation of, any textile fiber product into the
12 United States except upon filing bond with the Secretary
13 of the Treasury in a sum double the value of said products
14 and any duty thereon, conditioned upon compliance with the
15 provisions of this Act. A verified statement from the manu-
16 facturer or producer of such products showing their fiber con-
17 tent as required under the provisions of this Act may be
18 required under regulation prescribed by the Secretary of the
19 Treasury.

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GUARANTY

21 SEC. 10. (a) No person shall be guilty of an unlawful
22 act under section 3 if he establishes a guaranty received
23 in good faith, signed by and containing the name and address
24 of the person residing in the United States by whom the
25 textile fiber product guaranteed was manufactured or from

1 whom it was received, that said product is not misbranded
2 or falsely invoiced under the provisions of this Act. Said
3 guaranty shall be (1) a separate guaranty specifically desig-
4 nating the textile fiber product guaranteed, in which case
5 it may be on the invoice or other paper relating to said
6 product; or (2) a continuing guaranty given by seller to the
7 buyer applicable to all textile fiber products sold to or to
8 be sold to buyer by seller in a form as the Commission, by
9 rules and regulations, may prescribe; or (3) a continuing
10 guaranty filed with the Commission applicable to all textile
11 fiber products handled by a guarantor in such form as the
12 Commission by rules and regulations may prescribe.

13 (b) The furnishing of a false guaranty, except where
14 the person furnishing such false guaranty relies on a guaranty
15 to the same effect received in good faith signed by and con-
16 taining the name and address of the person residing in the
17 United States by whom the product guaranteed was manu-
18 factured or from whom it was received, is unlawful, and
19 shall be an unfair method of competition, and an unfair and
20 deceptive act or practice, in commerce, within the meaning
21 of the Federal Trade Commission Act.

22 CRIMINAL PENALTY

23 SEC. 11. (a) Any person who willfully does an act
24 which by section 3, 5, 6, 9, or 10 (b) is declared to be

1 unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned
2 not more than one year, or both, in the discretion of the
3 court: *Provided*, That nothing in this section shall limit any
4 other provision of this Act.
5

6 (b) Whenever the Commission has reason to believe
7 that any person is guilty of a misdemeanor under this
8 section, it may certify all pertinent facts to the Attorney
9 General. If, on the basis of the facts certified, the Attorney
10 General concurs in such belief, it shall be his duty to cause
11 appropriate proceedings to be brought for the enforcement
12 of the provisions of this section against such person.

13 EXEMPTIONS

14 SEC. 12. (a) None of the provisions of this Act shall
15 be construed to apply to—

- 16 (1) upholstery stuffing;
- 17 (2) outer coverings of furniture;
- 18 (3) linings or interlinings incorporated primarily
19 for structural purposes and not for warmth;
- 20 (4) filling or padding incorporated primarily for
21 structural purposes and not for warmth;
- 22 (5) stiffenings, trimmings, facings, or interfacings;
- 23 (6) backings of floor coverings;
- 24 (7) sewing thread;

1 (8) bandages and surgical dressings;

2 (9) waste materials not intended for use in a textile
3 fiber product;

4 (10) textile fiber products incorporated in shoes
5 or overshoes or similar outer footwear;

6 (11) textile fiber products incorporated in head-
7 wear, handbags, luggage, brushes, lampshades, or toys.

8 The exemption provided for any article by paragraph (3),
9 (4), or (7) of this subsection shall not be applicable if
10 any representation as to fiber content of such article is made
11 in any advertisement, label, or other means of identification
12 covered by section 4 of this Act.

13 (b) The Commission may exclude from the provisions
14 of this Act other textile fiber products (1) which have an
15 insignificant or inconsequential textile fiber content, or (2)
16 with respect to which the disclosure of textile fiber content
17 is not necessary for the protection of the ultimate consumer.

18 SEPARABILITY CLAUSE

19 SEC. 13. If any provision of this Act, or the applica-
20 tion thereof to any person, as that term is herein defined,
21 is held invalid, the remainder of the Act and the application
22 of the remaining provisions to any person shall not be
23 affected thereby.

APPLICATION OF EXISTING LAWS

1
2 SEC. 14. The provisions of this Act shall be held to
3 be in addition to, and not in substitution for or limitation
4 of, the provisions of any other Act of the United States.

EFFECTIVE DATE

5
6 SEC. 15. This Act shall take effect eighteen months
7 after enactment, except for the promulgation of rules and
8 regulations by the Commission, which shall be promulgated
9 within nine months after the enactment of this Act. The
10 Commission shall provide for the exception of any textile
11 fiber product acquired prior to the effective date of this
12 Act.

Passed the House of Representatives August 14, 1957.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

AUGUST 15, 1957

Read twice and referred to the Committee on
Interstate and Foreign Commerce

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 15, 1958
For actions of May 14, 1958
85th-2d. No. 76

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HIGHLIGHTS: House passed mutual security authorization bill. Senate committee ordered reported bill to amend Federal Seed Act. Senate made Packers and Stockyards bill unfinished business.

SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE ordered reported the following bills:
S. 1939, without amendment, to amend the Federal Seed Act; S. 3076, without amendment, to authorize the transportation in the U. S. of live foot-and-mouth disease virus for research purposes; S. 3478, without amendment, to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus; H. R. 6765, without amendment, to repeal the prohibition against cotton acreage reports based on farmers' planting intentions; H. R. 8490, with amendment, to make two technical adjustments in the law relating to rice acreage allotments, to provide for reassignment of such allotments when the land on which the allotment has previously been made is taken for public purposes, and to increase marketing quota penalties; and a clean bill in lieu of S. 672 and S. 2490, providing for the control of noxious weeds on Federal lands. pp. D413-14
2. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Ellison Creek, Miss., Little Pudding River, Oreg., Little Tallapoosa River, Ga., Mud Creek, N. C., Prairie Creek, Inc., and Swan-Buffero Creek, N. C. p. D414

3. NOMINATIONS. The Agriculture and Forestry Committee reported the nominations of Marvin J. Briggs, of Ind., and Frank Stubbs, of Tex., to be members of the Federal Farm Credit Board. p. 7748
4. TEXTILES; WILDLIFE. The Interstate and Foreign Commerce Committee ordered reported with amendments H. R. 469, to provide protection of the public against misbranding and false advertising of the fiber content of textile fiber products, ~~and S. 2447, to authorize studies of the effects of insecticides upon fish and wildlife.~~ p. B414
5. CCC. Received from the Comptroller General an audit report on the Commodity Credit Corporation for fiscal 1957. p. 7733
6. EDUCATION. Both Houses received from HEW a proposed bill to "facilitate administration of the act authorizing cooperative research in education"; to H. Education and Labor and S. Labor and Public Welfare Committees. pp. 7733, 7853
7. TAXES. The Judiciary Committee reported with amendment S. 586, to extend the time for filing of claims under sec. 6420 of the Internal Revenue Code of 1954 for refund of taxes on gasoline used on farms between Jan. 1, 1956 and June 30, 1956 (S. Rept. 1577). p. 7737
8. STATEHOOD. Sen. Yarborough inserted a newspaper editorial urging statehood for Alaska, "The Case for Alaska: Reasons for Granting Statehood Summarized." p. 7743
9. FOREIGN TRADE. Sens. Wiley and Smathers spoke in favor of an expanded trade program between the U. S. and Latin America. pp. 7747, 7775-80
10. HUMANE SLAUGHTER. Sen. Neuberger inserted a release urging the use of humane methods in the slaughter of animals, "Protestants, Catholics Ask More Humane Animal Slaughtering." pp. 7765-66
11. POSTAL RATES. Sen. Johnston announced that "conferees on the postal rate and pay bill (H. R. 5836) have today completed their work, and we hope to have the report drafted and submitted to the Senate Monday." p. 7780
12. MEATPACKERS. S. 1356, to transfer certain functions under the Packers and Stockyards Act from this Department to the Federal Trade Commission, was made the unfinished business. p. 7795

HOUSE

13. FOREIGN AID. Passed, 259 to 134, with amendments, H. R. 12181, to extend the mutual security program. pp. 7796-7842
Agreed to an amendment by Rep. Feighan to provide that no assistance under the act shall be furnished to Yugoslavia unless the President reports his reasons therefor to Congress. pp. 7796-97
Rejected, 34 to 58, an amendment by Rep. Bentley which he stated would have provided "that the dollars loaned to a foreign government or to individuals under the revisions of title II, the Development Loan Fund, would have to be spent inside the United States, unless the delivered price of these commodities for the purchase of which the loan funds would be used exceeds 15 percent of a delivered price from foreign sources, unless these commodities are not available." pp. 7804-05

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 9, 1958
For actions of June 6, 1958
85th-2d, No. 91

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HIGHLIGHTS: Senate passed mutual security bill.

SENATE

1. FOREIGN AID. Passed, 51 to 17, H. R. 12181, the mutual security authorization bill. (pp. 9320-24, 9326-50, 9354-87) Senate conferees were appointed. House conferees have not yet been appointed.
Rejected amendments by Sen. Humphrey to express the sense of Congress that the President should explore with other countries the possibility of establishing an International Food and Raw Materials Reserve (pp. 9384-85); and by Sen. Bridges, 22 to 54, to discontinue assistance to Yugoslavia and Poland 60 days after enactment of the bill. (pp. 9354-55)
2. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 12540, the Commerce and related agencies appropriation bill for 1959 (S. Rept. 1657). p. 9301
3. TEXTILES. The Interstate and Foreign Commerce Committee reported with amendments H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products (S. Rept. 1658). p. 9301
4. FORESTRY. Sen. Humphrey inserted an Izaak Walton League resolution favoring enactment of S. 1176, to preserve wilderness areas. p. 9299

5. PERSONNEL. Sen. Humphrey inserted his speech at Mass. Institute of Technology discussing the problems of Government in the field of science and technology. pp. 9315-18
6. ELECTRIFICATION. Sen. Capehart inserted a statement he had prepared and an editorial defending the Secretary's administration of REA and favoring proposals to provide for REA financing from private sources. pp. 9318-20
7. RECIPROCAL TRADE. Sen. Johnston criticized the reciprocal trade program as injurious to U. S. industry, and stated that "when the bill to extend the so-called Reciprocal Trade Act comes before the Senate, I hope the Senate will kill it." pp. 9314-15
8. ADJOURNED until Mon., June 9. p. 9390

HOUSE

9. NATIONAL FORESTS. The Interior and Insular Affairs Committee ordered reported H. R. 12281, to authorize the Secretary of the Interior to exchange lands to provide for an administrative site in the El Portal area of Yosemite National Park, Calif., including the exchange of National Forest lands. p. D509

ITEMS IN THE APPENDIX

10. COTTON. Sen. Johnson inserted a speech by the General Chairman of the American Cotton Congress urging competitive pricing to maintain cotton markets as an answer to cotton problems. pp. A5171-2
Sen. Johnson inserted a resolution by the board of the Texas Federation of Cooperatives stating their opposition to any Federal cotton program which does not recognize the marketing of cotton through cooperatives. p. A5172
11. PERSONNEL. Sen. Yarborough inserted a speech by Sen. Smathers on problems of retired Federal civilian employees. pp. A5172-3
Rep. Hoffman stated that the personnel pay increase legislation would impose additional burdens on 86 million people for the benefit of 4 million, and would increase inflationary pressures. pp. A5191-2
12. FOREIGN AID. Sen. Wiley inserted his statement and an article on the historical background of H. R. 12181, the proposed Mutual Security Authorization Act of 1958, commenting on the significance of the fact that this is the 10th anniversary of Gen. Marshall's speech which launched the Marshall Plan. pp. A5175-6
13. WATER POLLUTION. Sen. Humphrey inserted an editorial criticizing the Budget Bureau for the decision to reduce the Federal water-pollution control program. pp. A5179-80
14. STATEHOOD. Sen. Proxmire inserted a news article summarizing the resources of Alaska. pp. A5180-1
15. COUNTRY LIFE. Sen. Mundt inserted an article on President Theodore Roosevelt's establishment of the first Country Life Commission, and its accomplishments, which urged that the proposed bills to establish a new Country Life Commission be supported. p. A5181

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

JUNE 6, 1958.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany H. R. 469]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

I. IN GENERAL

The Textile Fiber Products Identification Act, H. R. 469, is in the tradition of the Wool Labeling Act of 1939, and the Fur Products Labeling Act of 1951. The principle underlying these acts is that while the Government should not seek to set product quality standards, the purchaser should be protected to the extent of a label containing basic information about items, the composition of which is not readily apparent. In other words, it is a disclosure bill, for the protection of the consumer.

Clothes, draperies, floor coverings, bedding, and other household goods would be subject to this act. Wool products would remain under the Wool Labeling Act, and fur products under the Fur Labeling Act.

H. R. 469 would require the disclosure of the fiber content of all household textile products which are in the form intended for use by the ultimate consumer, except those subject to the Wool Labeling Act and certain special exceptions. In addition to the fiber content, the name of the manufacturer or distributor, and, if an import, the name of the exporting country, must be shown. This information would

have to be shown on a stamp, tag, label, or other means of identification which was attached to the product. A separate tag or label is not required, the information could be shown on tags or labels customarily used in connection with the sale of such products.

A fabric would be "misbranded" if the above information was not disclosed as required by the legislation. A fabric would also be misbranded if the information on the label was false or if written advertising regarding the fiber content was misleading.

H. R. 469 would make unlawful the importation, manufacturing, selling, advertising, or transporting of misbranded fiber products for or in connection with interstate commerce—including retail sales.

The legislation does have certain safeguards and exceptions, however to provide elasticity and administrative discretion. For example, the Federal Trade Commission may exclude products, the content of which need not be known to the ultimate consumer in order that the be properly protected. Common carriers, exporters, advertising agencies, and publishers acting in the due course of their business would be generally excepted.

Penalties for the violation of the provisions of the legislation would include imprisonment for not more than 1 year, a \$5,000 fine, or both. The administration of the act would be by the Federal Trade Commission, as is the primary burden of enforcement effected through injunction procedures in the United States district courts.

II. PURPOSE AND NEED FOR THE BILL

The legislation is designed to aid three important segments of the Nation's economy: The consumer, the producer of fibers, and the manufacturer of fabrics.

Protection of the consumer has been necessitated through his inability to ascertain the fiber content in modern fabrics. Today, manufacturers may use natural or synthetic fibers alone or in any combination without disclosing the exact fibers used or precise proportions in which they are utilized.

Testimony at the hearings held by your committee stressed that it was now possible to make almost any fabric of a particular fiber look and feel like a fabric from another fiber. Consequently, it is possible to take a synthetic fiber, such as rayon, and make it look like cotton. Moreover, it is possible to sell this fabric as cotton since a label designating fiber content and the percentages therein is not now required. Within the past few years, new developments in fiber blending, chemical finishing of fabrics and weaving techniques have been perfected. Consequently, whereas it used to be possible for the consumer to feel a fabric and state its fiber content, now even experts are confused. The consumer, therefore, is unaware of the actual quality of the product.

The consumer is jeopardized by the fact that the purchase of a fabric carries with it certain assumptions with regard to launderability, durability, warmth, strength, and other well-known or advertised characteristics. Yet, if the fabric is not of the fiber assumed, the consumer's requirements may not be satisfied. Proper identifica-

tion of fibers would give the consumer the basic identity of the fabric and would increase his confidence in the marketing of textiles.

The second major area of concern involves the manufacturers. H. R. 469 would protect the manufacturers of quality synthetics against those who falsely or misleadingly advertise such synthetics as being part of the finished product. In addition, consumer awareness of the various fiber contents would protect the manufacturers against cost cutting and quality cutting practices of less reliable manufacturers, not apparent without a fabric label.

The blending of fibers in fabric production is now common practice. However, blending may be undertaken either to increase the strength and/or crease resistance of the garment or to take advantage of the lower price of some synthetics. Investigation of these points revealed that present advertising lauds the merits of synthetic "miracle fibers." Actually, while natural and synthetic fibers do differ in regard to quality, texture, and strength, both synthetics and natural fibers have their own special values.

Testimony by witnesses was to the effect that an article must contain certain percentages of synthetic fibers to achieve the particular inherent advantages of those synthetics. Consequently, whereas some fabrics are sold by capitalizing on the fibers contained, the amount of that fiber (such as dacron) may be so small as to be insignificant.

Labeling of synthetics alone would tend to capitalize on the supposed "functional" value of that fiber, but disclosure of fabric content plus the percentage used would protect both the manufacturer and the consumer. The producer of cotton is also in need of the protection of fabric content disclosure. With the increased use of synthetics and the blending of fibers, the cotton farmer has been introduced to unfair competition and a loss of prestige. Consumers who have purchased fabrics under the assumption that they were 100 percent cotton and not a blend, have, in some instances, lost their goodwill toward the cotton industry as well as the manufacturer.

Wool products have offered protection to producer, manufacturer, and consumer since the Wool Labeling Act was passed in 1939. Your committee believes it is now essential that other natural fibers and the synthetics receive the same consideration.

Your committee held extensive hearings on this legislation, and heard much argument both for and against the bill. Many amendments were suggested, and a few adopted. We were told among other things, that unless the retailer was exempt from the labeling and record-keeping requirements, the cost to him would be prohibitive. Another suggestion was to remove all reference to advertising from the bill.

Since this bill is designed to protect the consuming public, your committee believes these requirements are essential. To the argument that a performance label rather than a content label would better protect the public, your committee must answer that of the two, it believes this bill to be the best. The consumer, we believe, will quickly learn the blends that suit his needs. This knowledge, together with the reputation of the people involved in the processing and makeup of the finished article, will in the end be the protection the user seeks.

Your committee was told that percentages were unnecessary, and that if the fibers were listed in the order of their predominance, the same result would be had. We merely point out that under such a plan, a fabric containing 5 percent rayon and 95 percent cotton would be labeled identically with one containing 49 percent rayon and 51 percent cotton. Certainly there would be a tremendous difference between the two fabrics.

One witness stated that the bill "provides adequate means for anyone, other than the retailer, to refrain from labeling" the products.

For example, a man's suit of clothes comes with trouser length unfinished; the same holds true for some women's clothes such as coats and dresses. What is to prevent manufacturers from leaving a few buttons off a garment so as to keep it in a form not intended for sale or delivery to, or for use by, the ultimate consumer until the buttons have been sewed on. Others will think of many other ways of avoiding the provisions of section 3 (d) (5).

It should be pointed out first, that this witness was against labeling requirements. Second, your committee has confidence in the Federal Trade Commission and its ability to implement this legislation by rules and regulations.

There are always those in our society who hunt loopholes in our laws. They seek not to help but to hinder. So that there will be no doubt as to the feelings of your committee with regard to an act or action such as described by the witness in question, we believe that it would be a willful violation and accordingly punishable by the criminal penalty contained in section 11.

III. PRINCIPAL PROVISIONS

H. R. 469 would affect all products made of fiber (cotton, silk, rayon, nylon, etc.) which ultimately and customarily are sold in interstate commerce for household use and which are not covered under the Wool Labeling Act (sec. 2 (a) through (m)). This in turn would affect anyone who imports, manufactures, sells, advertises, or transports "misbranded" fiber products—after such products are subject to "interstate commerce" (sec. 3 (a), (b), and (c)).

Certain specific exemptions would be granted by section 12 (a) of the bill. They are: Upholstery stuffing; upholsteries and the outer coverings of mattresses and box springs; linings or interlinings incorporated primarily for structural purposes and not for warmth; filling or padding incorporated primarily for structural purposes and not for warmth; stiffenings, trimmings, facings, or interfacings; paddings or cushions to be used under floor coverings; sewing thread; bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the Federal Food, Drug, and Cosmetic Act of 1938, as amended; waste materials not intended for use in a textile fiber product; textile fiber products incorporated in shoes or overshoes or similar outer footwear; and textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, toys, catamenial devices, adhesive tapes, adhesive sheets, cleaning cloths and diapers.

The exemption provided for linings or interlinings, filling or padding, and thread would not be applicable if any representation as to fiber content of those articles was made in any advertisement, label, or other means of identification covered by this legislation.

Other exemptions would be products covered by the Wool Labeling Act (sec. 2 (h) (3)), components of a package under certain conditions if the package was labeled (sec. 4 (e)), fabrics severed from a bolt (sec. 4 (f)), fiber products not intended for sale to the ultimate consumer if accompanied by a proper invoice (sec. 3 (d) (5)), and products which the FTC finds to have either an insignificant fiber content, or that disclosure was not necessary for public protection (sec. 12 (b)).

Anyone handling such products who had received a guaranty that the product was not misbranded from a previous handler would be protected. The guaranty could be a continuing guaranty on all products if it was filed with the FTC under its rules (sec. 10 (a)). Common carriers in ordinary course of business would also be exempt (sec. 3 (d) (1)) as would processors or finishers performing under contract with persons subject to the act (sec. 3 (d) (2)), as well as persons engaged in exportation (sec. 3 (d) (3)). In addition, publishers or advertising agencies would be exempt if not commercially connected with the product and if the name of client was furnished upon request to the FTC (sec. 3 (d) (4)).

Under the bill, no false representation as to content may be made (sec. 4 (a)) and a label must be attached to the product. The label must indicate the kinds of fiber used in excess of 5 percent by weight (only), the percent (by weight) of each kind of fiber in excess of 5 percent ("reasonable tolerances" are allowed), the name (or FTC registration) of a person subject to the act and, if imported, the country "where processed or manufactured" (sec. 4 (a) and (b) (1) through (4)). Written advertisements, if they contain any reference to content, must contain the same information as the label, except for percentages (sec. 4 (c)).

Failure to comply with these requirements would be "misbranding" and would constitute a violation punishable under the legislation. There are three other principal areas of possible violation. The first of these is removal or mutilation of the label except to substitute one's own label with the same information thereon (sec. 5 (a)). Second, the failure of the manufacturer (or substitutor) to keep records showing fiber content for a period of 3 years (sec. 6 (a) through (c)), and finally, to furnish a false "guaranty" (sec. 10 (b)).

IV. ADMINISTRATION AND ENFORCEMENT

The agency primarily responsible for administration and enforcement would be the Federal Trade Commission. It would establish rules and regulations, including the establishment of "generic" names of fabrics (sec. 7 (c); (sec. 10 (a))), inspect and test products (sec. 7 (d)), and exempt products which have insignificant fiber content or are of insignificant public concern (sec. 12 (b)). Enforcement of the act would be accomplished by the following procedures:

(a) The residual enforcement procedures of the Federal Trade Commission Act (sec. 7).

(b) Special injunctive authority for the FTC to apply to any United States district court for a temporary injunction pending review by Commission or court (sec. 8).

(c) Certifying facts of violation to the Attorney General from the FTC for criminal misdemeanor prosecution. The maximum penalty for willful (only) violation is imprisonment up to 1 year and a \$5,000 fine, or both (sec. 11).

V. IMPORT PROVISIONS

H. R. 469 stipulates that imported goods must comply with the same labeling standards as do American fabrics. However, the label on imported goods must include the country "where processed and manufactured" (sec. 4 (b) (4)). Imports also must have the necessary information on their original invoice as well as on their label. Falsification or other violation of import requirements would give the FTC the right to prohibit further importation by the violator. If the violator filed a bond for double the value of the products, to guarantee future compliance, the right of continued importation may be granted (sec. 9).

VI. COST OF LEGISLATION

In House hearings, an FTC witness estimated the cost of administration to be \$150,000 to \$200,000 per year in salaries and expenses.

VII. COMMITTEE AMENDMENTS

(1) Page 4, line 17, insert "in commerce" immediately following the word "transported".

(2) Page 4, lines 17 and 18, strike out "which has been advertised or offered for sale in commerce, and".

(3) Page 5, line 1, insert "interstate or foreign commerce" immediately following the word "in", which is the first word in line 1.

(4) Page 6, line 9, insert "by the manufacturer or processor" immediately following the word "produced".

(5) Page 7, at the end of line 16, change the period to a colon, and add the following:

: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be:

(6) Page 8, line 25, starting with the words "such written advertisement", strike all of the remainder of the section, and substitute the following language:

the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b) (1) and (2) is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated.

(7) Page 10, immediately following line 7, insert the following language:

For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal or any term identified with furs is used in the advertisement of such product unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal, is used, is a fur or fur product within the meaning of the Fur Products Labeling Act; *Provided, however,* That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

(8) Page 13, line 12, insert "such" between the words "make" and "rules".

(9) Page 17, line 17, strike "outer coverings of furniture" and substitute therefor "upholsteries and the outer coverings of mattresses and box springs".

(10) Page 17, line 23, strike "backings of" and substitute therefor "paddings or cushions to be used under".

(11) Page 18, line 1, strike all of the line and substitute:

(8) bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended.

(12) Page 18, line 7, and the end of the line immediately following the word "toys", add

catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or diapers.

VIII. EXPLANATION OF AMENDMENTS

Amendments numbered 1, 2, and 3 are intended to make sections 3 (b) and 3 (c) more clear. Section 3 (b) covers textile fiber products advertised or offered for sale in commerce. "Commerce" is defined in the bill as meaning commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

Section 3 (c) makes illegal misbranding or false advertising of a textile fiber product after shipment in interstate or foreign commerce.

Amendment No. 4 is intended to make it clear that the person who manufactures or processes a textile fiber product in the form intended for use by the ultimate consumer is responsible for the proper labeling of the product.

Amendment number 5 would insert in section 4 (b) (1) the same proviso now contained in 4 (b) (2). The purpose of this insertion is to make subsection (b) (1) and (b) (2) the same with respect to barring the use of the name of a glamour synthetic when such synthetic is less than 5 percent of the total fiber content.

Amendment No. 6 inserts language from the Senate bill (S. 1616) in section 4 (c). This section deals with false and deceptive advertis-

ing. The Senate version would permit placing a statement regarding fiber content anywhere in the advertisement. In the second place, it would make it clear that the advertisement could not show the names of fibers where they comprised less than 5 percent by weight of the product, so as not to permit advertisements to prominently use the name of some of the more expensive fibers when they were included in only insignificant amounts. Percentages would not be required to be shown in order not to burden advertisers with the requirement that they pay for the space to show them. Ideally, they should be included. In addition, it would be desirable to require a statement of fiber content in radio and TV advertisements. This was omitted because of the limited amount of information which can be included in "spot" announcements. In order to not discourage advertisements, but to protect the consumer from misleading statements, it was thought that to require fiber disclosure in written advertisements, except for percentages, would be reasonable, in the event any statement as to fiber content was used in the advertisement.

Amendment No. 7 is aimed at the rapidly growing sales of pile cloth garments made to look as nearly as possible like fur garments. Advertisements today use phrases and words such as manmade mink, make-believe mink, wink, minklon, and black persians. This amendment would allow the FTC to properly supervise this field of merchandising.

Amendment No. 8 is a minor language change.

Amendment No. 9 would change the exemption "outer coverings of furniture" to read "upholsteries and outer coverings of mattresses and box springs". "Upholsteries" is taken from the Wool Products Labeling Act and is better language than "outer coverings of furniture". Your committee felt that if upholsteries were to be exempt, then the coverings of mattresses and box springs should also be exempt. There was considerable testimony in favor of this change.

Amendment No. 10 would change exemption No. (6) in section 12 (a). It reads "backings of floor coverings". Testimony convinced your committee that backings of floor coverings had a great deal to do with the strength, wearing qualities, and quality in general of floor coverings. This, together with the fact that floor coverings are specifically covered by the bill (sec. 2 (g)), motivated the amendment. On the other hand, paddings or cushions to be used under floor coverings did not have those characteristics, and accordingly were made exempt in place of the backings.

Amendment No. 11: This exemption covered bandages and surgical dressings. It was suggested, and your committee adopted the suggestion, that this language be expanded to cover textile fiber products now subject to labeling under the Food, Drug, and Cosmetic Act of 1938.

Amendment No. 12 added catamenial devices, adhesive tapes, adhesive sheets, cleaning cloths impregnated with chemicals, and diapers to the exempt items. Testimony indicated there would be no need for labeling these articles under this legislation.

The bill would become effective 18 months after enactment, with the necessary rules and regulations promulgated by the FTC 9 months after enactment. It was suggested this period be shortened, but your committee felt this time could be well used by all concerned in preparing for the full impact of this legislation.

INDIVIDUAL VIEWS OF SENATOR CHARLES E. POTTER

This legislation seeks to protect the purchaser of certain products by use of a label containing information about the textile fiber used in the product. I cannot agree that H. R. 469 adequately achieves its purpose. In my opinion it does not protect the consumer.

Under this legislation, the label would be required to contain information on the components of the product designating their percentage by weight. In addition, the label would carry the name of the manufacturer or distributor and would indicate the country of origin if the product was imported into the United States from abroad.

The information required to be disclosed would not provide the ultimate consumer with any more information than can be obtained from an honest, legitimate merchant selling standard merchandise. The consumer through past purchases has developed experience which is either favorable or unfavorable to certain kinds of fibers and material. Through this experience of past purchasing, a consumer knows that a certain fabric or type of fiber will give satisfactory service from the standpoint of wear and that it is suitable for washing or cleaning. It is important that the consumer know the advantages of certain types of fabrics. It is my frank opinion that the information required to be set forth on the label will not disclose how well the fabric or garment will wear nor will it disclose washability.

It is well known that certain products made from natural fibers such as cotton or wool may have definite advantages over fibers or fabrics which have been developed through chemical processes. It is true, also, that certain manmade fibers may have superior advantages when put to particular uses. It is difficult for me to see how disclosure of the fiber content by percent of weight is considered to be an advantage for the consumer. I believe that most manufacturers have an honest desire to put more quality and value into their merchandise than additional labels. Testimony has been received by the committee which indicates that many fabrics are actually blends of more than one type of fiber. Through such processes, the fabric may be changed in its character or serviceability by varying the percentages of the component parts. I firmly believe that unless the consumer knows the desirable blend of the materials in a garment it is possible to mislead and deceive the consumer in such a way that the product will be inferior from the standpoint of washability and wearability. Thus, even if the actual content is known to the consumer, it does not, in most cases, convey information of real value to the user on the characteristics of the fabric used in the product.

Our committee has been told that extensive experimentation has taken place in the trade to determine the suitability of certain blends for a particular end use. Unless the manufacturer adheres to the recommended blend, there would be no protection to the consumer because the consumer would have no way of knowing whether the product was serviceable until it had been used. Unfortunately, not

all manufacturers are interested in having a high-quality material and as a result quality is sometimes reduced to effect a cost saving. In all cases this might not be to the advantage of the consumer who has no way of obtaining adequate information except through experimentation. This legislation will not offer the quality standards on which the consumer may rely. In addition, our committee received testimony that wide variation exists in using the same process because of other factors which may affect the ultimate result achieved during the manufacturing or finishing process.

According to my information, this bill would not in any way assist the consumer in making a more intelligent selection of garments or fabrics.

Mandatory disclosure of the fiber content of all textile products is not needed nor desirable.

At the present time, there are certain manmade fibers on the market which are offered to the public under certain proprietary names. It is understandable that each manufacturer wants to promote his particular synthetic product. There is no way for the consumer to know that two manufacturers are producing an almost identical or identical fiber or product because the consumer would not know the scientific nomenclature for the product. The exact fiber content of a textile is an academic nicety important to trained scientific persons but not to the consumer. There is no way that the consumer can know, through the provisions of this legislation, that two textile manufacturers are using similar synthetics of fiber or yarn.

I believe that the labeling required under H. R. 469 would serve to confuse a consumer who is already uncertain and perplexed over the many synthetic fibers and blends of fibers which are offered to the public today.

Legislation, in my opinion, would not accomplish its objectives and may result in considerable more confusion and additional difficulties. I can see few advantages resulting from this legislation.

If the provisions of this bill become law, it will burden the manufacturers, processors, distributors, and retail merchants with additional responsibilities for record keeping and labeling. It would result in increased costs to the manufacturer and retailer. It is well known that these costs are not absorbed by those persons but are directly passed on to the consumers in the form of an increased cost of the product.

It is well known in the trade, and perhaps generally, that nylon and other synthetics have characteristics which impart greater strength to the garment or fabric. In certain garments, only a small percentage of nylon may be used in a certain area to impart greater strength which results in more serviceability of the garment. The same result is achieved in such products as curtains and draperies by the use of certain fibers which will impart strength to the product which will enable the drape to wear longer and not pull apart by its own weight. The manufacturer of such products would ordinarily indicate that nylon or another fiber was added for purposes of strength. The percentage by weight of the fiber may be very small. Increasing the percentage of that fiber would not result in a better quality item. I do not think that most consumers have enough experience to adequately evaluate the information which may be required under this legislation. By using certain blends of synthetics or synthetics and

natural fibers, the characteristics of the end product may be varied greatly. To a large degree the characteristics of the final fabric may also be varied by the processing used or the finishing applied to the fabric. I believe that the consumer will have no way of determining the characteristics of the final fabric merely through a disclosure of the percentage by weight of the components of the product.

It has been suggested that this legislation has been advocated by certain cotton interests. There can be no doubt but that the market for goods produced by the cotton industry has been invaded by man-made synthetics. This labeling bill will not help the cotton industry sell more cotton goods and I cannot see where it will in any way enhance the standing of cotton to promote greater use of cotton. The cotton industry has been characterized as a sick one but its illness is not in reality caused by the development of synthetics. To a far greater degree, this industry has suffered from import of cotton fabrics produced abroad. Enactment of this legislation will not reduce that competition.

I wish to make my position clear regarding past labeling legislation. I believe that the benefits are great which have come to the consumer as a result of the provisions contained in the Wool Products Labeling Act and the Fur Labeling Act. I do not believe that similar results can be achieved through enactment of H. R. 469.

CHARLES E. POTTER.

AGENCY COMMENT

The Tariff Commission, the General Accounting Office, and the Department of the Interior had no comments as to the merits of the legislation.

The Department of Agriculture was in favor of the bill.

The Department of State requested deletion of section 4 (b) (4) which would require disclosure of the name of the country wherein an imported textile product was processed or manufactured. Your committee, after consideration, rejected this suggestion.

The Department of Justice reported on a similar bill (S. 1616) introduced by Senators Hill, Magnuson, Monroney, and Stennis. While the Department advised the enactment of the bill was a question of policy for the Congress, it pointed out parts of the legislation that should be very carefully considered, such as lack of seizure or forfeiture provisions, the absolute exemption of goods for export, and the placing of litigation functions in an agency other than the Department. The question of whether the time has arrived for products labeling acts (wool—fur—flammable) to be combined in one act is also raised.

The Federal Trade Commission report suggested amendments, some of which were adopted.

The Secretary of Commerce is unable to recommend enactment of this legislation. The report indicates that in the Department's opinion, an overhaul of all of the labeling acts is more desirable.

(The agency statements and letters mentioned follow:)

UNITED STATES TARIFF COMMISSION,
Washington, D. C., March 27, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR MR. CHAIRMAN: Further reference is made to your request of March 20, 1957, for comments that the Commission may care to offer concerning S. 1616, 85th Congress, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

S. 1616 is aimed at preventing misbranding and false advertising of the fiber content of textile fiber products and is similar to legislation enacted in recent years with respect to other products, such as the labeling act dealing with fur products (15. U. S. C. 69, et seq.). The legislation, if enacted, would be administered by the Federal Trade Commission.

The Tariff Commission has no comments to offer regarding the merits of the proposed legislation.

Sincerely yours,

E. B. BROSSARD, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 26, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR MR. CHAIRMAN: Further reference is made to your letter of August 16, 1957, acknowledged on August 19, requesting the comments of the General Accounting Office concerning H. R. 469, 85th Congress, 1st session, entitled "An act to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes," which passed the House of Representatives on August 14, 1957.

We have no special information or knowledge as to the need for or desirability of the proposed legislation and, therefore, we make no recommendation with respect to its enactment.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
Washington, September 19, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: This is in response to your request for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The bill does not appear to relate to any matter within the jurisdiction of this Department or to affect any matter upon which the Department would be in a position to give helpful information or advice. Accordingly, this Department has no comment to offer with respect to the merit of the purpose or provisions of the bill.

We greatly appreciate your bringing this matter to our attention, and welcome the opportunity to submit recommendations on any measure where the activities of the Department may possibly be involved, or where its experience may possibly be of value.

Sincerely yours,

HATFIELD CHILSON,
Under Secretary of the Interior.

TREASURY DEPARTMENT,
Washington, August 21, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of August 16, 1957, requesting a statement of this Department's views on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The proposed legislation would provide that the manufacture for introduction, sale, advertising or offering for sale, in commerce, or the importation into the United States, or transportation, of certain textile fiber products which are misbranded or falsely or deceptively advertised would be unlawful and would constitute unfair and deceptive act or practice under the Federal Trade Commission Act.

Since the proposed legislation relates to matters not primarily within the jurisdiction of this Department, the Treasury has no comment on the merits of the proposed legislation. However, since the Bureau of Customs of this Department would apparently be charged with the administration of the act insofar as importations are concerned, it should be pointed out that the enactment of this proposed legislation would result in an additional workload for customs personnel at ports of importation of such goods. Apart from this, it would not appear that the enactment of this proposed legislation would result in any unusual administrative difficulties.

There is one technical matter which the Department would like to bring to the attention of the committee. Inasmuch as Treasury Decisions 53869, effective October 1, 1955, abolishes the requirement for certification of invoices, any reference to such requirement should be deleted from the bill. This can be done by changing the comma after the word "Act" on page 14, line 22, to a period, and deleting the remainder of that sentence.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of an identical report on S. 1616, a similar bill.

Very truly yours,

DAVIS W. KENDALL,
Acting Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., September 19, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR MAGNUSON: This is in reply to your request of August 16, 1957, for a report on H. R. 469, a bill to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The Department is in accord with the purpose of H. R. 469 and has no objection to the enactment of such legislation. The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion, it should be of help to cotton and its competition with manmade fibers.

H. R. 469 prohibits the introduction in interstate or foreign commerce of certain textile fiber products and other related transactions in such products when the products are misbranded, or falsely or deceptively advertised, and requires such products to bear a statement of their fiber content. Under the bill, a product is deemed falsely or deceptively advertised if any written advertisement refers to the fiber content, unless it contains the fiber content information required by the bill.

The bill would require the identification of the fiber content of fibers and fabrics used or intended for use in articles of wearing apparel, costumes, and accessories, draperies, floor coverings, furnishings, beddings, and other household textile goods. Exceptions are made for certain items including footwear, headwear, handbags, luggage, brushes, lampshades, toys, bandages, and surgical dressings, and other articles which the Federal Trade Commission may exempt. Under the bill a textile fiber product in general would be misbranded if the stamp, tag, label, or other means of identification does not show (1) the fibers in the product, by generic name in the order of predominance, and (2) the percentage of each fiber present in the product. Provision is made for injunctions to enforce the legislation and for criminal actions for willful violations. The bill contains provisions under which a guaranty of the product involved would protect the one receiving the guaranty from liability under the bill.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

DEPARTMENT OF STATE,
Washington, August 22, 1957.

HON. WARREN MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.*

DEAR SENATOR MAGNUSON: Inasmuch as H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products and for other purposes, has been referred to the Committee on Interstate and Foreign Commerce, the Department wishes to make the following comments on H. R. 469:

With the exception of paragraph (4) of subsection (b), section 4, the Department has no objection to the enactment of H. R. 469 from the standpoint of its possible effect on United States foreign relations. This paragraph provides that an imported textile-fiber product shall be held to be misbranded unless the name of the country "where processed or manufactured" is shown on a stamp, tag, or label on, or affixed to, the product.

This paragraph does not appear to be consistent with the stated purpose of the bill, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, since this paragraph is concerned with country of origin rather than with fiber content of the textile products concerned. Further, foreign products imported into the United States are required under section 304 of the Tariff Act of 1930 to be marked with the country of origin. The requirement of the paragraph in question, insofar as it applies to textile-fiber products in the state in which they are imported, is already a matter of law. The innovation which the paragraph would bring about would be to extend this marking requirement to products of American manufacture which consist in part of imported textile-fiber products.

The United States has contractual relations with many countries providing that imported products shall be accorded treatment no less favorable than that accorded to like products of national origin in

respect of all laws, regulations, and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution, or use. Such treatment has been interpreted to mean that when goods have duly passed into domestic trade, they can be subject only to the same taxes, laws, and regulations as are applicable to similar domestic goods. In other words, the purpose of these commitments is to prevent the application of any hidden discrimination or restriction against imported goods once they have been properly imported and cleared through customs, such goods thereafter being treated in all respects in the same manner as domestic goods. H. R. 469 does not require an indication that textile-fiber products are made in the United States when this is the case. In other words, foreign textile-fiber products would not be treated in the same manner as the domestic article.

In addition to this possibility of specific conflict between certain international commitments and the cited paragraph of H. R. 469, there appears to be a more general problem posed by the effect of such regulations upon that broad expansion of international trade which it is the policy of the United States to pursue. If the principle of the paragraph in question were to be applied generally to all American-manufactured products, constituent parts of which are imported—and once applied to textile-fiber products a precedent will have been established—marking requirements would become so onerous as to impede seriously the use of imported materials in any product manufactured within the United States.

The Department is seriously concerned about the implications of the cited paragraph of H. R. 469, and recommends that it be deleted from the bill.

Sincerely yours,

JOHN S. HOGHLAND II,
Acting Assistant Secretary for Congressional Relations
(For the Secretary of State).

DEPARTMENT OF STATE,
Washington, August 30, 1957.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Interstate and Foreign Commerce,
United States Senate.

DEAR SENATOR MAGNUSON: Further reference is made to your letter of August 16, 1957, requesting a report on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

The Department wishes to confirm an understanding reached in a telephone conversation between a member of the staff of the Committee on Interstate and Foreign Commerce and an officer of the Department to the effect that the voluntary report containing the Department's comments on H. R. 469 dated August 22 will satisfactorily answer the request made in your letter of August 16, 1957.

The Department has been informed that the Bureau of the Budget has no objection to the submission of the voluntary report referred to above.

Sincerely yours,

JOHN S. HOGHLAND II,
Acting Assistant Secretary for Congressional Relations
(For the Secretary of State).

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., February 3, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile-fiber products, and for other purposes.

With one notable exception this bill is similar in all material respects to S. 1616 which was the subject of this Department's report to you on January 10, 1958. A copy of that report is enclosed for your ready reference.

The exception referred to relates to the language of section 3 (b) of H. R. 469. Unlike the comparable section of S. 1616, section 3 (b) of H. R. 469 appears to make unlawful any sale, etc., whether interstate in character or not, of a misbranded or falsely advertised textile-fiber product if the product had been offered for sale or advertised in interstate commerce. The question is raised whether such a provision would be enforceable to the extent of bringing intrastate transactions subsequent to interstate advertising within the coverage of the act where the advertising was not in violation of the act.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

DEPARTMENT OF JUSTICE,
Washington, January 10, 1958.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill (S. 1616) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The basic purpose of this legislation is to provide consumers and producers of textile fiber products with truthful and informative labeling and advertising of the fiber content of such products. It would not apply to products required to be labeled under the Wool Products Labeling Act of 1939.

Whether legislation of this type should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no recommendation. However, there are a number of considerations to which committee attention is invited.

From an enforcement standpoint, the failure of the measure to contain any seizure or forfeiture provisions is unfortunate. Provisions of this type are found in the Fur Products Labeling Act (15 U. S. C. 69); the Wool Products Labeling Act (15 U. S. C. 68); and the Flammable Fabrics Act (15 U. S. C. 1991, et seq.). Seizure and condemnation provisions are particularly valuable in those instances where a

shipment of a misbranded product is uncovered and it is not possible to ascertain immediately the part responsible for the misbranded shipment. Seizure under such circumstances provides a ready means for preventing the distribution of such a commodity to consumers. Furthermore, such procedure provides an orderly means whereby products which are not in compliance with the act can be brought into compliance.

Section 3 (a) (3), exempting from the coverage of the bill the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country, is somewhat unusual in its absolute form. It is noted that the Wool Products Labeling Act provides in a comparable section that wool products branded in accordance with the specifications of the purchaser and in accordance with the laws of the country to which they are being exported, are exempt. The Federal Food, Drug, and Cosmetic Act has a fairly similar provision in title 21, United States Code section 381 (d), except for a further requirement that the outside of the shipping package shall be labeled in such a way as to show that it is intended for export. The absence of labeling requirements applicable to packages for export make general enforcement of the act more difficult, and might facilitate deceptions reflecting adversely upon the United States and American exporters.

The Department of Justice is unable to support that provision of the bill which places the litigation function with respect to injunction suits in another agency of the Government. Such a provision is not in keeping with the general policy that the Department of Justice is the litigating arm of the Government. Also, in view of the Department's experience under, other regulatory statutes, as, for example, the Food, Drug, and Cosmetic Act, such a provision is objectionable.

A question is also raised for committee consideration as to whether the time has arrived for products labeling acts (for example, wool products, fur products, and flammable fabrics) to be combined in one enactment rather than to continue with piecemeal legislation as heretofore.

The Bureau of the Budget has advised that there is no objection to the submission of this report

Sincerely,

LAWRENCE E. WALSH,
Deputy Attorney General.

FEDERAL TRADE COMMISSION,
Washington, November 8, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your letter of August 16, 1957, inviting comment upon H. R. 469 which was passed by the House of Representatives of the 85th Congress, 1st session. The purpose of the bill is to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

This bill is designed to cover the entire field of textile fiber content labeling and advertising except as already covered by the Wool

Products Labeling Act of 1939. As to any "textile fiber product," the bill would require disclosure on a label of the percentage as well as the generic name of the major fiber constituents of the product. The bill proposes a rather complete coverage of the subject matter with which it deals, but there are a few of its provisions as to which we think some comment should be made.

Section 4 (b) (2) of the bill provides for the establishment by the Commission of reasonable tolerances for deviation in the fiber content of any textile fiber product from the amount stated on the label and that no deviation which does not exceed the tolerance shall be a misbranding. This is followed by a second provision that any deviation which exceeds the tolerances fixed shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variation in manufacture despite the exercise of due care to make the statements on the label accurate. The Commission is inclined to doubt the advisability of this double provision and thinks it would be preferable to omit the first provision and make the latter provision applicable to any deviation rather than to deviations in excess of a prescribed tolerance.

Obviously, any "reasonable tolerances" that might be fixed could not be those which could be met only by manufacturers with the best equipment and greatest manufacturing skill; on the contrary, they would have to be wide enough to include the products of the poorly equipped and less skillful manufacturer. This can result in manufacturers attempting to come barely within the tolerances provided, rather than being as accurate as the exercise of due care in their individual cases would permit. If fibers of widely varying value are being combined, a tolerance provision almost forces a producer to try to use the least amount of the most valuable of the fibers that he can, and still stay within the tolerance or be able to defend a division beyond the tolerance under the second provision. If there were no tolerances fixed and the second provision applied to any deviations, quite plainly the Commission would not proceed with respect to deviations which could be successfully defended. It has not done so under the Wool Products Labeling Act, and any other course would be a senseless waste of public funds. Under such a provision deviations would have to be treated upon the basis of the individual case, and consequently there would be no tendency to lower standards to the extent permitted by a tolerance that was fixed to accommodate low manufacturing efficiency.

Section 4 (c), which deals with advertising, covers only written advertisements used to promote the sale or offering for sale of textile fiber products. This would amount to an exemption from the advertising provisions of the bill of all advertising by radio and television or any other form of sales representation not made in writing. This, we think, represents a serious loophole concerning the advertising provisions of the bill and might well be considered discriminatory against advertising mediums of a written type. The advertising provisions of the bill should perhaps be extended to cover any form of advertising mediums, including radio and television.

Subsection 4 (d) provides that the stamp, tag, label, or other means of identification required by the act "may contain other information not violating the provisions of this act." This presents two problems. One is that when information other than that required by the act is permitted on the label there is the possibility of so placing the required

information with other statements and by arrangement and typography to substantially conceal or minimize any effective disclosure. The second question is that since the bill is limited to textile fiber content, false or misleading statements on a label dealing with subjects other than fiber content should be so qualified as not to permit deceptive statements. This is mentioned because of the more limited jurisdictional applicability of the Federal Trade Commission Act to which such other information on the label would be subject. If the committee should, nevertheless, conclude that other information in addition to that required by the bill may be put on labels, we would suggest that the bill require that if put on the label containing the required information, it be nondeceptive and not in conflict with regulations prescribed by the Commission for clear disclosure of the required information.

The bill makes no provision for disclosure of nonfibrous loading or filling material used in some textile fiber products or for use of the process of libel for seizure of products found to be misbranded. While we do not think that provisions on these two subjects are essential, we suggest that the committee may at least desire to consider them. In the case of some fabrics, substantial amounts of nonfibrous loading or filling material are used, and sometimes this is done principally for the purpose of giving the fabric an appearance of quality greater than it actually has. The absence of a provision for libel proceedings deprives the enforcement agency of an important deterrent to violations of the act and of an effective remedy for meeting situations where unscrupulous schemes may result in suddenly flooding a market with misbranded textiles under conditions which make it difficult if not impossible to prevent continuing harm to the public after the misbranded goods have been distributed to shops and stores throughout the country.

Subsection 4 (b) (4) of the reported bill reads:

"If it is an imported textile fiber product the name of the country where processed or manufactured." This subsection does not appear to add anything more than is presently required under section 304 of the Tariff Act of 1930, as amended, and as supplemented by regulations of the Bureau of Customs concerning the marking of imported articles.

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products. We feel confident that whatever legislation on this subject, if any, the committee may favorably report, it will desire that it be constructive and in a form that is reasonably adequate to permit successful administration.

By direction of the Commission.

JOHN W. GWYNNE, *Chairman*.

N. B.—Pursuant to regulations, this report was submitted to the Bureau of the Budget on October 31, 1957, and on November 8, 1957, the Commission was advised that there would be no objection to the submission of the report to the committee.

ROBERT M. PARRISH, *Secretary*.

THE SECRETARY OF COMMERCE,
Washington, October 18, 1957.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Interstate and Foreign Commerce,
United States Senate, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request dated August 16, 1957, for the views of this Department with respect to H. R. 469, an act to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

H. R. 469 would provide for labeling as to the fiber content of textile fiber products made from natural or synthetic fibers whether of domestic or foreign origin.

The Department of Commerce is unable to recommend enactment of this legislation.

We feel that any new legislation enacted for these general purposes should incorporate all of the requirements imposed by the Federal Government for labeling and identification of all fibers. In our judgment, this should be accomplished by the repeal of the Wool Products Labeling Act of 1939 and the incorporation in the new legislation of the requirements of that act for the identification of the various classes of wool: virgin wool, reprocessed wool, and reused wool.

This Department also has had reservations as to the real need for Federal legislation requiring fiber identification labeling, for the protection of producers, consumers, and others. The introduction a few years ago of new synthetic fibers in the manufacture of clothing and textiles did, it is true, result in articles which behaved and performed in use somewhat differently than did products made entirely of natural fibers. As commercial experience with synthetic fibers in textiles broadens, both consumers and industrial users are developing their preference in fiber composition, and are demanding and, in the normal course of commerce, obtaining definition of the fiber composition of textile products on the market.

In view of these matters, and considering the variety of both State and local labeling requirements already placed upon manufacturers of many types of textile fiber products for household use, this Department is not convinced that the enactment of Federal legislation such as H. R. 469 is in fact necessary for the protection of the producer and the consumer.

For the above reasons, the Department of Commerce feels that it cannot support enactment of H. R. 469.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

SINCLAIR WEEKS, *Secretary of Commerce.*

CHANGES IN EXISTING LAW

There are no changes in existing law.



85TH CONGRESS
2D SESSION

[Report No. 1658]

1 (b) The term “fiber” or “textile fiber” means a unit of
2 matter which is capable of being spun into a yarn or made
3 into a fabric by bonding or by interlacing in a variety of
4 methods including weaving, knitting, braiding, felting, twist-
5 ing, or webbing, and which is the basic structural element
6 of textile products.

7 (c) The term “natural fiber” means any fiber that
8 exists as such in the natural state.

9 (d) The term “manufactured fiber” means any fiber
10 derived by a process of manufacture from any substance
11 which, at any point in the manufacturing process, is not a
12 fiber.

13 (e) The term “yarn” means a strand of textile fiber
14 in a form suitable for weaving, knitting, braiding, felting,
15 webbing, or otherwise fabricating into a fabric.

16 (f) The term “fabric” means any material woven,
17 knitted, felted, or otherwise produced from, or in combina-
18 tion with, any natural or manufactured fiber, yarn, or sub-
19 stitute therefor.

20 (g) The term “household textile articles” means arti-
21 cles of wearing apparel, costumes and accessories, draperies,
22 floor coverings, furnishings, beddings, and other textile goods
23 of a type customarily used in a household regardless of where
24 used in fact.

25 (h) The term “textile fiber product” means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who

1 obtains a textile fiber product by purchase or exchange with
2 no intent to sell or exchange such textile fiber product in
3 any form.

4 MISBRANDING AND FALSE ADVERTISING DECLARED

5 UNLAWFUL

6 SEC. 3. (a) The introduction, delivery for introduction,
7 manufacture for introduction, sale, advertising, or offering for
8 sale, in commerce, or the transportation or causing to be
9 transported in commerce, or the importation into the United
10 States, of any textile fiber product which is misbranded or
11 falsely or deceptively advertised within the meaning of this
12 Act or the rules and regulations promulgated thereunder, is
13 unlawful, and shall be an unfair method of competition and
14 an unfair and deceptive act or practice in commerce under
15 the Federal Trade Commission Act.

16 (b) The sale, offering for sale, advertising, delivery,
17 transportation, or causing to be transported, *in commerce* of
18 any textile fiber product ~~which has been advertised or offered~~
19 ~~for sale in commerce, and~~ which is misbranded or falsely or
20 deceptively advertised, within the meaning of this Act or the
21 rules and regulations promulgated thereunder, is unlawful,
22 and shall be an unfair method of competition and an unfair
23 and deceptive act or practice in commerce under the Federal
24 Trade Commission Act.

25 (c) The sale, offering for sale, advertising, delivery,

1 transportation, or causing to be transported, after ship-
2 ment in *interstate or foreign* commerce, of any textile
3 fiber product, whether in its original state or contained in
4 other textile fiber products, which is misbranded or falsely
5 or deceptively advertised, within the meaning of this Act
6 or the rules and regulations promulgated thereunder, is un-
7 lawful, and shall be an unfair method of competition and
8 an unfair and deceptive act or practice in commerce under
9 the Federal Trade Commission Act.

10 (d) This section shall not apply—

11 (1) to any common carrier or contract carrier or
12 freight forwarder with respect to a textile fiber product
13 received, shipped, delivered, or handled by it for ship-
14 ment in the ordinary course of its business;

15 (2) to any processor or finisher in performing a
16 contract for the account of a person subject to the
17 provisions of this Act if the processor or finisher does not
18 change the textile fiber content of the textile fiber
19 product contrary to the terms of such contract;

20 (3) with respect to the manufacture, delivery for
21 transportation, transportation, sale, or offering for sale
22 of a textile fiber product for exportation from the United
23 States to any foreign country;

24 (4) to any publisher or other advertising agency
25 or medium for the dissemination of advertising or pro-

1 motional material, except the manufacturer, distributor,
2 or seller of the textile fiber product to which the false
3 or deceptive advertisement relates, if such publisher or
4 other advertising agency or medium furnishes to the
5 Commission, upon request, the name and post office
6 address of the manufacturer, distributor, seller, or other
7 person residing in the United States, who caused the
8 dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced *by the manufacturer or processor* in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*, That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this Act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE

FIBER PRODUCTS

23 SEC. 4. (a) Except as otherwise provided in this Act,
24 a textile fiber product shall be misbranded if it is falsely

1 or deceptively stamped, tagged, labeled, invoiced, adver-
2 tised, or otherwise identified as to the name or amount of
3 constituent fibers contained therein.

4 (b) Except as otherwise provided in this Act, a textile
5 fiber product shall be misbranded if a stamp, tag, label, or
6 other means of identification, or substitute therefor author-
7 ized by section 5, is not on or affixed to the product showing
8 in words and figures plainly legible, the following:

9 (1) The constituent fiber or combination of fibers in
10 the textile fiber product, designating with equal prominence
11 each natural or manufactured fiber in the textile fiber product
12 by its generic name in the order of predominance by the
13 weight thereof if the weight of such fiber is 5 per centum
14 or more of the total fiber weight of the product, but
15 nothing in this section shall be construed as prohibiting the
16 use of a nondeceptive trademark in conjunction with a
17 designated generic name: *Provided, That, exclusive of per-*
18 *missible ornamentation, any fiber or group of fibers present*
19 *in an amount of 5 per centum or less by weight of the total*
20 *fiber content shall not be designated by the generic name or*
21 *the trademark of such fiber or fibers, but shall be designated*
22 *only as "other fiber" or "other fibers" as the case may be.*

23 (2) The percentage of each fiber present, by weight,
24 in the total fiber content of the textile fiber product, exclusive
25 of ornamentation not exceeding 5 per centum by weight of

1 the total fiber content: *Provided*, That, exclusive of permis-
2 sible ornamentation, any fiber or group of fibers present in
3 an amount of 5 per centum or less by weight of the total
4 fiber content shall not be designated by the generic name
5 or trademark of such fiber or fibers, but shall be designated
6 only as "other fiber" or "other fibers" as the case may be:
7 *Provided further*, That in the case of a textile fiber product
8 which contains more than one kind of fiber, deviation in the
9 fiber content of any fiber in such product from the amount
10 stated on the stamp, tag, label, or other identification shall
11 not be a misbranding under this section unless such deviation
12 is in excess of reasonable tolerances which shall be estab-
13 lished by the Commission: *And provided further*, That any
14 such deviation which exceeds said tolerances shall not be a
15 misbranding if the person charged proves that the deviation
16 resulted from unavoidable variations in manufacture and
17 despite due care to make accurate the statements on the
18 tag, stamp, label, or other identification.

19 (3) The name, or other identification issued and
20 registered by the Commission, of the manufacturer of the
21 product or one or more persons subject to section 3 with
22 respect to such product.

23 (4) If it is an imported textile fiber product the name
24 of the country where processed or manufactured.

25 (c) For the purposes of this Act, a textile fiber product

1 shall be considered to be falsely or deceptively advertised
2 if any disclosure or implication of fiber content is made in
3 any written advertisement which is used to aid, promote,
4 or assist directly or indirectly in the sale or offering for
5 sale of such textile fiber product, unless such written adver-
6 tisement contains the same information with respect to fiber
7 content as that required to be shown on the stamp, tag,
8 label, or other identification under paragraph (1) of section
9 4 ~~(b)~~ *the same information as that required to be shown*
10 *on the stamp, tag, label, or other identification under section*
11 *4 (b) (1) and (2) is contained in the heading, body, or*
12 *other part of such written advertisement, except that the*
13 *percentages of the fiber present in the textile fiber product*
14 *need not be stated.*

15 (d) In addition to the information required in this sec-
16 tion, the stamp, tag, label, or other means of identification,
17 or advertisement may contain other information not violating
18 the provisions of this Act.

19 (e) This section shall not be construed as requiring the
20 affixing of a stamp, tag, label, or other means of identifica-
21 tion to each textile fiber product contained in a package
22 if (1) such textile fiber products are intended for sale to
23 the ultimate consumer in such package, (2) such package
24 has affixed to it a stamp, tag, label, or other means of iden-

1 tification bearing, with respect to the textile fiber products
2 contained therein, the information required by subsection
3 (b), and (3) the information on the stamp, tag, label, or
4 other means of identification affixed to such package is equally
5 applicable with respect to each textile fiber product contained
6 therein.

7 (f) This section shall not be construed as requiring
8 designation of the fiber content of any portion of fabric, when
9 sold at retail, which is severed from bolts, pieces, or rolls of
10 fabric labeled in accordance with the provisions of this section
11 at the time of such sale: *Provided*, That if any portion of
12 fabric severed from a bolt, piece, or roll of fabric is in any
13 manner represented as containing percentages of natural or
14 manufactured fibers, other than that which is set forth on the
15 labeled bolt, piece, or roll, this section shall be applicable
16 thereto, and the information required shall be separately set
17 forth and segregated as required by this section.

18 (g) *For the purposes of this Act, a textile fiber product*
19 *shall be considered to be falsely or deceptively advertised if*
20 *the name or symbol of any fur-bearing animal or any term*
21 *identified with furs is used in the advertisement of such*
22 *product unless such product or the part thereof in connec-*
23 *tion with which the name or symbol of a fur-bearing animal,*
24 *is used, is a fur or fur product within the meaning of the*
25 *Fur Products Labeling Act: Provided, however, That where*

1 *a textile fiber product contains the hair or fiber of a fur-*
2 *bearing animal, the name of such animal, in conjunction*
3 *with the word "fiber", "hair", or "blend", may be used.*

4 REMOVAL OF STAMP, TAG, LABEL, OR OTHER
5 IDENTIFICATION

6 SEC. 5. (a) After shipment of a textile fiber product
7 in commerce it shall be unlawful, except as provided in this
8 Act, to remove or mutilate, or cause or participate in the
9 removal or mutilation of, prior to the time any textile
10 fiber product is sold and delivered to the ultimate consumer,
11 any stamp, tag, label, or other identification required by this
12 Act to be affixed to such textile fiber product, and any
13 person violating this section shall be guilty of an unfair
14 method of competition, and an unfair or deceptive act or
15 practice, under the Federal Trade Commission Act.

16 (b) Any person—

17 (1) introducing, selling, advertising, or offering for
18 sale, in commerce, or importing into the United States,
19 a textile fiber product subject to the provisions of this
20 Act, or

21 (2) selling, advertising, or offering for sale a textile
22 fiber product whether in its original state or contained
23 in other textile fiber products, which has been shipped,
24 advertised, or offered for sale, in commerce,
25 may substitute for the stamp, tag, label, or other means of

1 identification required to be affixed to such textile product
2 pursuant to section 4 (b), a stamp, tag, label, or other means
3 of identification conforming to the requirements of section
4 4 (b), and such substituted stamp, tag, label, or other
5 means of identification shall show the name or other identifi-
6 cation issued and registered by the Commission of the
7 person making the substitution.

8 (c) If any person other than the ultimate consumer
9 breaks a package which bears a stamp, tag, label, or other
10 means of identification conforming to the requirements of
11 section 4, and if such package contains one or more units of
12 a textile fiber product to which a stamp, tag, label, or other
13 identification conforming to the requirements of section 4
14 is not affixed, such person shall affix a stamp, tag, label, or
15 other identification bearing the information on the stamp,
16 tag, label, or other means of identification attached to such
17 broken package to each unit of textile fiber product taken
18 from such broken package.

19 RECORDS

20 SEC. 6. (a) Every manufacturer of textile fiber products
21 subject to this Act shall maintain proper records showing
22 the fiber content as required by this Act of all such products
23 made by him, and shall preserve such records for at least
24 three years.

25 (b) Any person substituting a stamp, tag, label, or

1 other identification pursuant to section 5 (b) shall keep
2 such records as will show the information set forth on the
3 stamp, tag, label, or other identification that he removed and
4 the name or names of the person or persons from whom
5 such textile fiber product was received, and shall preserve
6 such records for at least three years.

7 (c) The neglect or refusal to maintain or preserve the
8 records required by this section is unlawful, and any person
9 neglecting or refusing to maintain such records shall be guilty
10 of an unfair method of competition, and an unfair or decep-
11 tive act or practice, in commerce, under the Federal Trade
12 Commission Act.

13 ENFORCEMENT OF THE ACT

14 SEC. 7. (a) Except as otherwise specifically provided
15 herein, this Act shall be enforced by the Federal Trade
16 Commission under rules, regulations, and procedure pro-
17 vided for in the Federal Trade Commission Act.

18 (b) The Commission is authorized and directed to pre-
19 vent any person from violating the provisions of this Act
20 in the same manner, by the same means, and with the same
21 jurisdiction, powers, and duties as though all applicable
22 terms and provisions of the Federal Trade Commission Act
23 were incorporated into and made a part of this Act; and
24 any such person violating the provisions of this Act shall
25 be subject to the penalties and entitled to the privileges and

1 immunities provided in said Federal Trade Commission
2 Act, in the same manner, by the same means, and with the
3 same jurisdiction, powers, and duties as though the appli-
4 cable terms and provisions of the said Federal Trade Com-
5 mission Act were incorporated into and made a part of
6 this Act.

7 (c) The Commission is authorized and directed to
8 make *such* rules and regulations, including the establishment
9 of generic names of manufactured fibers, under and in pur-
10 suance of the terms of this Act as may be necessary and
11 proper for administration and enforcement.

12 (d) The Commission is authorized to cause inspections,
13 analyses, tests, and examinations to be made of any product
14 subject to this Act.

15 INJUNCTION PROCEEDINGS

16 SEC. 8. Whenever the Commission has reason to be-
17 lieve—

18 (a) that any person is doing, or is about to do, an
19 act which by section 3, 5, 6, 9, or 10 (b) is declared to
20 be unlawful; and

21 (b) that it would be to the public interest to enjoin
22 the doing of such act until complaint is issued by the
23 Commission under the Federal Trade Commission Act
24 and such complaint is dismissed by the Commission or
25 set aside by the court on review or until an order to

1 cease and desist made thereon by the Commission has
2 become final within the meaning of the Federal Trade
3 Commission Act,

4 the Commission may bring suit in the district court of the
5 United States or in the United States court of any Territory,
6 for the district or Territory in which such person resides or
7 transacts business, to enjoin the doing of such act and upon
8 proper showing a temporary injunction or restraining order
9 shall be granted without bond.

10 EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

11 SEC. 9. All textile fiber products imported into the
12 United States shall be stamped, tagged, labeled, or other-
13 wise identified in accordance with the provisions of section
14 4 of this Act, and all invoices of such products required
15 pursuant to section 484 of the Tariff Act of 1930, shall set
16 forth, in addition to the matter therein specified, the infor-
17 mation with respect to said products required under the
18 provisions of section 4 (b) of this Act, which information
19 shall be in the invoices prior to their certification, if such
20 certification is required pursuant to section 484 of the Tariff
21 Act of 1930. The falsification of, or failure to set forth
22 the required information in such invoices, or the
23 falsification or perjury of the consignee's declaration pro-
24 vided for in section 485 of the Tariff Act of 1930, insofar
25 as it relates to such information, is unlawful, and

1 shall be an unfair method of competition, and an unfair
2 and deceptive act or practice, in commerce under the
3 Federal Trade Commission Act; and any person who
4 falsifies, or perjures the consignee's declaration insofar
5 as it relates to such information, may thenceforth be pro-
6 hibited by the Commission from importing, or participating
7 in the importation of, any textile fiber product into the
8 United States except upon filing bond with the Secretary
9 of the Treasury in a sum double the value of said products
10 and any duty thereon, conditioned upon compliance with the
11 provisions of this Act. A verified statement from the manu-
12 facturer or producer of such products showing their fiber con-
13 tent as required under the provisions of this Act may be
14 required under regulation prescribed by the Secretary of the
15 Treasury.

16

GUARANTY

17 SEC. 10. (a) No person shall be guilty of an unlawful
18 act under section 3 if he establishes a guaranty received
19 in good faith, signed by and containing the name and address
20 of the person residing in the United States by whom the
21 textile fiber product guaranteed was manufactured or from
22 whom it was received, that said product is not misbranded
23 or falsely invoiced under the provisions of this Act. Said
24 guaranty shall be (1) a separate guaranty specifically desig-
25 nating the textile fiber product guaranteed, in which case

1 it may be on the invoice or other paper relating to said
2 product; or (2) a continuing guaranty given by seller to the
3 buyer applicable to all textile fiber products sold to or to
4 be sold to buyer by seller in a form as the Commission, by
5 rules and regulations, may prescribe; or (3) a continuing
6 guaranty filed with the Commission applicable to all textile
7 fiber products handled by a guarantor in such form as the
8 Commission by rules and regulations may prescribe.

9 (b) The furnishing of a false guaranty, except where
10 the person furnishing such false guaranty relies on a guaranty
11 to the same effect received in good faith signed by and con-
12 taining the name and address of the person residing in the
13 United States by whom the product guaranteed was manu-
14 factured or from whom it was received, is unlawful, and
15 shall be an unfair method of competition, and an unfair and
16 deceptive act or practice, in commerce, within the meaning
17 of the Federal Trade Commission Act.

18 CRIMINAL PENALTY

19 SEC. 11. (a) Any person who willfully does an act
20 which by section 3, 5, 6, 9, or 10 (b) is declared to be
21 unlawful shall be guilty of a misdemeanor and upon convic-
22 tion shall be fined not more than \$5,000 or be imprisoned
23 not more than one year, or both, in the discretion of the
24 court: *Provided*, That nothing in this section shall limit any
25 other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

8 EXEMPTIONS

9 SEC. 12. (a) None of the provisions of this Act shall
10 be construed to apply to—

- 11 (1) upholstery stuffing;
- 12 (2) *upholsteries and outer coverings of mattresses*
- 13 *and box springs furniture;*
- 14 (3) linings or interlinings incorporated primarily
- 15 for structural purposes and not for warmth;
- 16 (4) filling or padding incorporated primarily for
- 17 structural purposes and not for warmth;
- 18 (5) stiffenings, trimmings, facings, or interfacings;
- 19 (6) ~~backings of~~ *paddings or cushions to be used*
- 20 *under floor coverings;*
- 21 (7) sewing thread;
- 22 (8) bandages ~~and~~ surgical dressings, *and other*
- 23 *textile fiber products, the labeling of which is subject*
- 24 *to the requirements of the Federal Food, Drug and*
- 25 *Cosmetic Act of 1938, as amended;*

(9) waste materials not intended for use in a textile fiber product;

(10) textile fiber products incorporated in shoes or overshoes or similar outer footwear;

(11) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys, *catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or diapers.*

The exemption provided for any article by paragraph (3), (4), or (7) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

1 APPLICATION OF EXISTING LAWS

2 SEC. 14. The provisions of this Act shall be held to
3 be in addition to, and not in substitution for or limitation
4 of, the provisions of any other Act of the United States.

5 EFFECTIVE DATE

6 SEC. 15. This Act shall take effect eighteen months
7 after enactment, except for the promulgation of rules and
8 regulations by the Commission, which shall be promulgated
9 within nine months after the enactment of this Act. The
10 Commission shall provide for the exception of any textile
11 fiber product acquired prior to the effective date of this
12 Act.

Passed the House of Representatives August 14, 1957.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

AUGUST 15, 1957

Read twice and referred to the Committee on
Interstate and Foreign Commerce

JUNE 6, 1958

Reported with amendments

25. FARMER COMMITTEES. At the request of Sen. Talmadge, passed over S. 1436, to amend various provisions of law regarding ASC committees, to provide for the administration of the farm program by farmer elected committees, etc. p. 10766
26. BUILDINGS. At the request of Sen. Hruska, passed over S. 3560, to authorize construction of a \$20 million Federal building in Memphis, Tenn. p. 10766
27. TEXTILES. At the request of Sen. Talmadge, passed over H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. pp. 10766-7
28. MINERALS. At the request of Sen. Mansfield, passed over S. 3817, to encourage exploration for minerals with Federal aid. p. 10769
29. TRANSPORTATION. At the request of Sens. Talmadge and Hruska, passed over S. 3916, to extend for two years provisions of the Shipping Act of 1916 to allow continuation of existing dual-rate contract agreements. p. 10774
30. SMALL BUSINESS. At the request of Sen. Clark, passed over H. R. 7963, to extend the Small Business Act of 1953, and increase the SBA loan authority. p. 10775
31. REORGANIZATION. At the request of Sen. Talmadge, passed over S. Res. 297, to disapprove Reorganization Plan No. 1 of 1958, to merge the Office of Defense Mobilization and the Federal Civil Defense Administration. p. 10776
Sen. Potter commended the adverse report of the Government Operations Committee on S. Res. 297, and the evaluation of the proposed merger. p. 10802
32. HUMANE SLAUGHTER. At the request of Sen. Talmadge, passed over H. R. 8308, to require the use of humane methods in the slaughter of livestock and poultry. p. 10780
33. FOREIGN TRADE. Sen. Thurmond submitted amendments to H. R. 12591, the trade agreements extension bill, proposing to limit the extension to 2 years and to require Congressional assent to Presidential action reversing findings of the Tariff Commission. p. 10804
34. EXTENSION. Sen. Johnston inserted an editorial on the death of Dr. F. Franklin Poole, President of Clemson College, S. C. pp. 10783-4
35. RECLAMATION. Received from the Interior Department a report that the Bountiful, Utah, Water Subconservancy District, had applied for a loan of \$3,510,000, under the Small Reclamation Projects Act. p. 10747

ITEMS IN APPENDIX

36. FOREIGN AID. Rep. Green inserted an article, "Over \$63 Million in Foreign Aid Shared by Eight Oregon Communities." pp. A5696-7
37. COTTON. Extension of remarks of Sen. Sparkman urging aid for cotton farmers and inserting an article, "Cotton's Decline, Long Foreseen, Still Pains Many Dixie Farmers--Some Quit, Wind Up On City Relief Rolls; Others Find Pinch Profits Harder." pp. A5697-8
38. DAIRY INDUSTRY. Extension of remarks of Sen. Proxmire inserting 2 Grange organization resolutions in support of his bill, S. 2952. p. A5698

June 23, 1958

11. COTTON. Passed without amendment H. R. 11399, to authorize the Secretary to set the levels of price support for extra long-staple cotton at between 60 to 75 percent of parity. This bill will now be sent to the President. p. 10765
12. DEFENSE PRODUCTION. Passed without amendment H. R. 10969 (in place of a similar bill S. 3323), to extend the Defense Production Act for 2 years until June 30, 1960. This bill will now be sent to the President. pp. 10773-4
13. LIVESTOCK LOANS. Passed as reported H. R. 11424, to extend for 2 years, through July 14, 1961, the authority of the Secretary to extend or make supplementary advances to borrowers for special livestock loans. p. 10780
14. TOBACCO. Passed without amendment H. R. 11058, to reduce the acreage allotments of tobacco farmers who harvest more than one crop of tobacco in a year from the same acreage. This bill will now be sent to the President. p. 10780
15. NATURAL RESOURCES. Passed as reported S. 2517, to authorize the States to choose mineral lands in making selections in lieu of sections of public lands occupied before State claims were made. pp. 10781-3
16. SURPLUS FOODS. Passed without amendment H. R. 12164, to permit the donation of surplus foods to nonprofit summer camps for children without regard to the number of needy children actually enrolled. This bill will now be sent to the President. p. 10780
17. INSPECTION SERVICES. Passed without amendment S. 3873, to authorize the interchange of inspection services between executive agencies without reimbursement or transfer of funds. p. 10769
18. PROPERTY. Passed as reported S. 3142, to authorize the lease of Federal building sites until needed for actual construction. p. 10769
19. TRANSPORTATION. Passed as reported S. Res 303, to provide for a study of transportation policies in the United States by the Interstate and Foreign Commerce Committee, including the exemption provisions in the laws regulating transportation. p. 10773
20. MONOPOLIES. The Judiciary Committee ordered reported with amendment S. 11, to amend the Robinson-Patman Act to make price discrimination prima facie proof of violation of the law. p. D578
21. STATEHOOD. Began debate on H. R. 7999, to admit Alaska as a State. pp. 10766, 10786, 10803, 10804, 10804-10.
22. INFORMATION. At the request of Sen. Talmadge, passed over S. 921, to restrict the right of Federal officers to withhold information or records. p. 10765.
23. WATERSHEDS. At the request of Sen. Hruska, passed over H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. p. 10765
24. ONION FUTURES. At the request of Sen. Hruska, passed over H. R. 376, to prohibit trading in onion futures on commodity exchanges. p. 10765

BILLS PASSED OVER

The bill (S. 921) to amend section 161 of the Revised Statutes with respect to the authority of Federal officers and agencies to withhold information and limit the availability of records was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8439) to cancel certain bonds posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

PRICE SUPPORT FOR CROPS OF EXTRA-LONG-STAPLE COTTON

The bill (H. R. 11399) relating to price support for the 1958 and subsequent crops of extra-long-staple cotton was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KNOWLAND. Over.

Mr. ANDERSON. Mr. President, will the Senator from California withhold his objection for a moment, while I make a statement?

Mr. KNOWLAND. I withhold my objection.

Mr. ANDERSON. The bill will allow the producers of extra-long-staple cotton—and its production is confined to about 3 States—to have their support level reduced from 75 percent to 60 percent by the Secretary of Agriculture. This will enable those producers to meet the competition of Egyptian cotton. There never has been objection to such a proposal at any time it has been brought up. I know of no objection to it now. There certainly is no objection whatever on the part of those who produce this kind of cotton in west Texas, New Mexico, Arizona, and, in a small quantity, in California. The amount of production is small, perhaps only a few thousand bales.

The producers of this type of cotton have done well in developing a market for it.

The Senator from Arizona [Mr. HAYDEN] is fully acquainted with the development of this type of cotton. I know of no objection to the proposal.

Mr. KNOWLAND. I simply questioned whether the bill was calendar business. But since there has been an explanation of the bill—

Mr. ANDERSON. I assure the able Senator from California that there is no real objection to the bill.

Mr. JOHNSTON of South Carolina. I handled the bill in the committee and reported it for the committee. I have heard of no opposition whatsoever to the bill from either side.

The bill would establish price support for extra-long-staple cotton at 60 to 75 percent of parity, instead of 75 percent as now required.

The United States does not produce its requirements of this type of cotton, and

the bill would put American cotton of this type in a better competitive position with similar foreign cotton, thereby giving American producers an opportunity to develop their markets.

The PRESIDING OFFICER. Does the Senator from California renew his objection?

Mr. KNOWLAND. No; I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 11399) was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 5497) to amend the Watershed Protection and Flood Prevention Act, was announced as next in order.

Mr. HRUSKA. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 376) to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges was announced as next in order.

Mr. HRUSKA. Over.

The PRESIDING OFFICER. The bill will be passed over.

MARIA PONTILLO

The bill (S. 2850) for the relief of Maria Pontillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Maria Pontillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

MISS ALLEGRA AZOUZ

The bill (S. 3042) for the relief of Miss Allegra Azouz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Miss Allegra Azouz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

FEOFANIA BANKEVITZ

The Senate proceeded to consider the bill (S. 2936) for the relief of Feofania Bankevitz, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Feofania Bankevitz may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That if the beneficiary is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further*, That the exemption granted herein shall apply only to a ground for exclusion of which the Department of Justice or the Department of State had knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Feofania Bankevitz."

BERNABE MIRANDA AND OTHERS

The Senate proceeded to consider the bill (S. 2983) for the relief of Bernabe Miranda, Manuel Miranda, and Anastacio Miranda, which had been reported from the Committee on the Judiciary, with amendments, in line 5, after the name "Miranda," where it appears the first time, to insert "and," and, in the same line, after the name "Miranda," where it appears the second time, to strike out the comma and "and Anastacio Minda," so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Bernabe Miranda, and Manuel Miranda, shall be held and considered to be the minor alien children of Sergeant First Class Elisha Miranda, a citizen of the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Bernabe Miranda and Manuel Miranda."

GEORGIOS PAPACONSTANTINOU

The Senate proceeded to consider the bill (S. 3130) for the relief of Georgios Papaconstantinou, which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "act", to strike out "Georgios Papaconstantinou shall be held and considered to be under 21 years of age" and insert "Georgios Papakonstantinou shall be held and considered to be the minor alien child of Mr. and Mrs. Gabriel Konstantinou, citizens of the United States.", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Georgios Papakonstantinou shall be held and considered to be the minor alien child of Mr. and Mrs. Gabriel Konstantinou, citizens of the United States.

The amendment was agreed to.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Georgios Papakonstantinou."

ADAMANTIA ANDRIKOPOULOUS (PAPPAS) PAPAVALIOU

The Senate proceeded to consider the bill (S. 3305) for the relief of Adamantia Andrikopoulous (Pappas) Papavasiliou, which had been reported from the Committee on the Judiciary, with amendments, in line 5, after the name "Adamantia", to strike out "Andrikopoulous (Pappas)", and in line 8, after the words "United States", to insert a colon and "Provided, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Adamantia Papavasiliou, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George (Pappas) Papavasiliou, citizens of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Adamantia Papavasiliou."

BILLS PASSED OVER

The bill (S. 3493) to amend the District of Columbia Unemployment Compensation Act of 1935, as amended, was announced as next in order.

Mr. TALMADGE. Mr. President, I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (S. 3918) to authorize the sale of nonessential vessels of the merchant marine national defense reserve fleet was announced as next in order.

Mr. TALMADGE. Mr. President, I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (H. R. 7999) to provide for the admission of the State of Alaska into the Union was announced as next in order.

Mr. TALMADGE. Mr. President, I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

EXCHANGE OF CERTAIN LANDS

The Senate proceeded to consider the bill (S. 3569) to authorize the Secretary of the Interior to exchange certain Federal lands for certain lands owned by the State of Utah, which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 2, line 19, after the word "east", to strike out "864.65" and insert "864.35", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to accept on behalf of the United States from the State of Utah the conveyance in fee simple of the following described lands situated in such State:

Beginning at United States Government monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east more or less from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian) and running thence south 480 feet to the south boundary of the United States Bureau of Mines property; thence west 60 feet; thence north 400 feet; thence west 544.5 feet; thence south 400.0 feet; thence west 60.0 feet; thence north 480 feet; thence east 664.5 feet more or less to the point of beginning and containing 2.32 acres more or less.

SEC. 2. In return for the lands described in the first section of this act the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the State of Utah all right, title, and interest of the United States in and to the following described lands situated in such State:

PARCEL NO. 1

Beginning at a point 664.5 feet west of United States Government monument numbered 6 (monument numbered 6 is 876.31 feet south and 2,453.795 feet east more or less from the northwest corner of section numbered 4, township 1 south, range 1 east, Salt Lake meridian) and running thence north 160.0 feet; thence east 864.35 feet more or less to the east boundary of the United States Bureau of Mines property; thence north 0 degrees 00 minutes 50 seconds west 287.6 feet; thence south 67 degrees 11 minutes 40 seconds west 366.35 feet; thence north 88 degrees 21 minutes 10 seconds west 682.72 feet; thence south 325.41 feet; thence east 155.5 feet more or less to the point of beginning and containing 4.69 acres more or less.

PARCEL NO. 2

Beginning at a point 480 feet south of United States Government monument numbered 6; thence north 89 degrees 59 minutes 10 seconds east 200.00 feet; thence north 0 degrees 00 minutes 50 seconds west 136.10 feet; thence south 55 degrees 45 minutes 00 seconds west 241.92 feet more or less to the point of beginning and containing 0.31 acres more or less.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF CERTAIN PROPERTIES WITHIN DEATH VALLEY NATIONAL MONUMENT, CALIF.

The bill (H. R. 10349) to authorize the acquisition by exchange of certain properties within Death Valley National Monument, Calif., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1436) to amend section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, to provide for administration of farm programs by democratically elected farmer committeemen was announced as next in order.

Mr. TALMADGE. I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

CONVEYANCE OF CERTAIN PROPERTY TO THE VILLAGE OF CAREY, OHIO

The bill (S. 3139) to repeal the act of July 2, 1956, concerning the conveyance of certain property of the United States to the village of Carey, Ohio, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of July 2, 1956 (70 Stat. 486, ch. 496), is hereby repealed.

REMOVAL OF CLOUD ON TITLE TO CERTAIN REAL PROPERTY, STATE OF ILLINOIS

The bill (H. R. 7081) to provide for the removal of a cloud on the title to certain real property located in the State of Illinois was considered, ordered to a third reading, read the third time, and passed.

RECONVEYANCE OF CERTAIN REAL PROPERTY TO NEWAYGO, MICH.

The bill (H. R. 10009) to provide for the reconveyance of certain surplus real property to Newaygo, Mich., was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3560) to authorize the construction of a courthouse and a Federal office building in Memphis, Tenn., and for other purposes, was announced as next in order.

Mr. HRUSKA. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3912) to amend the Atomic Energy Act of 1954, as amended, was announced as next in order.

Mr. TALMADGE. Mr. President, I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, was announced as next in order.

Mr. TALMADGE. Mr. President, I ask that the bill go over, as not being proper calendar business.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

WAIVER OF CERTAIN PROVISIONS OF IMMIGRATION AND NATIONALITY ACT

The joint resolution (H. J. Res. 577) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens was considered, ordered to a third reading, read the third time, and passed.

JESUS ANGEL-MORENO

The concurrent resolution (S. Con. Res. 92) withdrawing suspension of deportation in the case of Jesus Angel-Moreno was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246 (a) of the Immigration and Nationality Act (8 U. S. C. A. 1256 (a)), withdraws the suspension of deportation in the case of Jesus Angel-Moreno (A-8065711) which was previously granted by the Attorney General and approved by the Congress.

HASAN MUHAMMAD TIRO

The bill (S. 2262) for the relief of Hasan Muhammad Tiro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, for the purposes of the Immigration and Nationality Act, Hasan Muhammad Tiro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

MISS SUSANA CLARA MAGALONA

The bill (S. 2860) for the relief of Miss Susana Clara Magalona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, for the purposes of the Immigration and Nationality Act, Miss Susana Clara Magalona shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOHN FAVIA (JOHN J. CURRY)

The bill (S. 2941) for the relief of John Favia (John J. Curry) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest and bond, which may have issued in the case of John Favia (John J. Curry). From and after the date of the enactment of this act, the said John Favia (John J. Curry) shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

LETITIA OLTEANU

The bill (S. 2943) for the relief of Letitia Olteanu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Letitia Olteanu shall be held and considered to be the minor alien child of Ilie Olteanu, a citizen of the United States.

STANISLAWA WOJCZUL

The bill (S. 3021) for the relief of Stanislaw Wojczul was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, for the purposes of the Immigration and Nationality Act, Stanislaw Wojczul shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

AMILE HATEM AND LINDA HATEM

The bill (S. 3131) for the relief of Amile Hatem and Linda Hatem was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted etc., That, for the purposes of the Immigration and Nationality Act, Amile Hatem and Linda Hatem shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

CARL EBERT AND HIS WIFE

The bill (S. 3276) for the relief of Carl Ebert and his wife, Gertrude Ebert, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Carl Ebert and his wife, Gertrude Ebert, naturalized citizens of the United States, shall be permitted to reside in Germany until 3 years following the date of the enactment of this act without losing their United States citizenship under section 352 (a) of such act.

FUAD E. KATTUAH

The bill (S. 3354) for the relief of Faud E. Kattuah was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Faud E. Kattuah shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ERNST HAEUSSERMAN

The bill (H. R. 7917) for the relief of Ernst Haeusserman was considered, ordered to a third reading, read the third time, and passed.

FEDERICO LUSS

The bill (H. R. 10035) for the relief of Federico Luss was considered, ordered to a third reading, read the third time, and passed.

JOSE MARARAC

The Senate proceeded to consider the bill (S. 3010) for the relief of Jose Mararac, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the words "United States", to insert a colon and "Provided, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Jose Mararac shall be held and considered to be the natural-born alien child of Juan Juan Mararac, a citizen of the United States: Provided, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDELTRAUD MARIA THERESIA COLLOM

The Senate proceeded to consider the bill (S. 3192) for the relief of Edeltraud Maria Theresia Collom, which had been reported from the Committee on the Judiciary with an amendment in line 8, after the word "act" to insert a colon and "Provided, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (4) of section 212 (a) of the Immigration and Nationality Act, Edeltraud Maria Theresia Collom may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible.

sible under the provisions of such act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JEAN ANDRE PARIS

The Senate proceeded to consider the bill (S. 3300) for the relief of Jean Andre Paris, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have issued in the case of Jean Andre Paris. From and after the date of the enactment of this act, the said Jean Andre Paris shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issue: *Provided*, That nothing in this act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER NAGY

The Senate proceeded to consider the bill (S. 3421) for the relief of Alexander Nagy, which had been reported from the Committee on the Judiciary with an amendment in line 7, after the word "act", to insert a colon and "*Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act."; so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Alexander Nagy may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *And provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H. J. Res. 551) for the relief of certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 2, after line 9, to strike out:

SEC. 3. For the purposes of the Immigration and Nationality Act, Ali Dawud Abu Ghannam shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the number of immigrant visas authorized to be issued to refugee escapees pursuant to section 15 of the act of September 11, 1957 (71 Stat. 643-644).

And, at the beginning of line 21, to change the section number from "4" to "3."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H. J. Res. 576) to facilitate the admission into the United States of certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 1, after line 6, to strike out:

SEC. 2. Notwithstanding the provisions of section 202 (a) and (b) of the Immigration and Nationality Act, Mrs. Dudley Anthony Rhodes, nee Mary Grundy, shall be held to be a native of Great Britain for immigration purposes.

And insert:

SEC. 2. In the administration of the Immigration and Nationality Act, sections 202 (a) (5) and 202 (b) of that act shall not be applicable in connection with the application for an immigrant visa by Mrs. Dudley Anthony Rhodes, nee Mary Grundy.

And, on page 4, line 8, after the word "of", to insert "sections 203 (a) (1) (B) and 204 of."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H. J. Res. 580) for the relief of certain aliens, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "visa", to strike out "fees" and insert "fee", and in the same line, after the word "That", to insert "a"; in line 8, after the word "or", to strike out "undertakings" and insert "undertaking"; in line 12, after the word "Act",

to insert "Sultane P. Aboudi"; on page 2, line 4, after the name "Paiva", to strike out "Sho Ging Wong"; in line 5, after the name "Tran", to strike out "Kina" and insert "Dinh"; in line 6, after the name "Yuan Shing Tai", to strike out "Sister Ignatia (Marie Nicodemina Wilhelmina Kohlmann), Sister Charlotte (Maria J. Matthijssen), Sister Laurentia (Johanna Gertrude Theresia Smeets), Sister Bernardine (Maria Hendrika Hegemen), Sister Petronella (Johanna Monica Plasmans), Sister Raymonde (Wilhelmina Grade Weijn)"; on page 3, line 9, after the name "Matta", to insert "and", and in the same line, after the name "Bloomfield", to strike out the comma and "and Sultane P. Adoudi"; after line 18, to insert:

SEC. 5. Mrs. Sabastiano Poletto, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer abroad, the oaths prescribed by section 337 of the Immigration and Nationality Act. From and after naturalization under this act, the said Mrs. Sabastiano Poletto shall have the same citizenship status as that which existed immediately prior to its loss.

And, on page 4, after line 4, to insert:

SEC. 6. Hideo Konya, who lost his United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Hideo Konya shall have the same citizenship status as that which existed immediately prior to its loss.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

KUO CHENG AND OTHERS

The Senate proceeded to consider the bill (S. 13) for the relief of Kuo Cheng Wu and his wife, Edith Wu, and their two sons, Hsiu-Kwang Wu and Hsiu-Huang Wu, which had been reported from the Committee on the Judiciary with amendments on page 1, line 4, after the word "Act", to strike out "Kuo Cheng Wu and his wife, Edith Wu, and their two sons," and in line 5, after the name "Hsiu-Huang", to strike out "Wu," and insert "Wu", so as to make the bill read:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Hsiu-Kwang Wu and Hsiu-Huang Wu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as

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Sen. Jackson commended the State of Washington for operating the Youth Forest Camps program for young people, and inserted an article discussing the program. p. 16497

35. SOCIAL SECURITY. Passed with amendments, 79 to 0, H. R. 13549, to increase social security benefits. Conferees were appointed. pp. 16502-08, 16509, 16513-20, 16522-63
36. TEXTILES. Sen. Gore urged consideration of H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. p. 16570
37. ELECTRIFICATION. Sen. Kefauver urged the House Rules Committee to clear legislation permitting TVA to issue its own revenue bonds to finance new generating capacity, and inserted a newspaper article on the matter, "A Blow to TVA." p. 16501
38. NOMINATIONS. Confirmed the nomination of Barbara B. Gunderson to be a Civil Service Commissioner. pp. 16490-96, 16578
39. LOBBYING. Received the quarterly report on lobbying. pp. 16579-609
40. LEGISLATIVE PROGRAM. Sen. Johnson announced that at least 5 bills must be enacted before sine die adjournment, including the mutual security appropriation bill, increasing the public debt limit, and extending Public Law 480, and stated that "Members of the Senate will be glad to learn that we expect the Senate to adjourn sine die next week." (p. 16496) He announced that the Calendar will be called Mon., Aug. 18. (p. 16497) He later announced a list of bills which the majority policy committee had cleared for consideration, including H. R. 5497, for assistance to fish and wildlife projects under Watershed Act; H. R. 12126, protection against dissemination of livestock diseases; H. R. 13192, mutual security appropriation bill; H. R. 912, for serving oleomargarine in the Navy; H. R. 13580, to increase public debt limit; H. R. 8481, to extend certain forestry provisions of Agricultural Act of 1956 to Hawaii; and H. R. 12494, forest land transfer to N. C. (pp. 16568-70)
41. RECESSED until Mon., Aug. 18. p. 16577

ITEMS IN APPENDIX

42. FARM PROGRAM. Rep. Harrison inserted a telegram from the American Farm Bureau Federation stating it could not support farm legislation granting the Secretary the breadth of discretion for price support levels as contained in the proposed House farm bill, or providing for "artificial minimum price supports." p. A7342
Extension of remarks of Rep. Miller, Nebr., making his 16th annual report to his constituents and discussing his position on farm legislation. He stated "I have supported the administration and the Secretary in about 85 percent of their program," criticized the Secretary's position against the industrial uses research bill, and concluded that the abundant farm crops were preventing Nebr. from being drawn into the recession. pp. A7343-4
43. MEATPACKING. Speech of Rep. Holifield explaining that he was voting for H. R. 9020, to determine jurisdiction over meatpackers, only because the bill in conference might be changed to agree more with the Senate bill which provides concurrent jurisdiction over meatpackers, which he contended was the minimum solution he could accept. pp. A7355-6

44. FORESTRY. Rep. Porter commended the House appointees to the National Outdoor Recreation Resources Review Commission and inserted an editorial on a trip made to the Wallowa area in Ore. p. A7342
Rep. Westland inserted a statement by W. D. Hagenstein of the Industrial Forestry Ass'n on S. 4028, to create a national wilderness preservation system. He urged that hearings be held in the West on this bill so that the problems involved might be aired more publicly in the area most affected. pp. A7345-6
45. PESTICIDES. Extension of remarks of Rep. Miller urging Congress to act slowly in further controlling the use of pesticides. He said the USDA gypsy moth and fire ant eradication programs had been successful without destroying wildlife or harming human beings, due to the toxicity levels established by research. p. A7349
46. REA. Sen. Langer inserted an article from an Okla. newspaper commending the growth of the Southwest Rural Electric Ass'n on its 20th anniversary. pp. A7367-8
47. LIVESTOCK. Sen. Yarborough inserted an article, "There's A Market For Our Cattle In Latin American Countries." pp. A7369-70
48. BUDGETING. Speech in the House of Rep. Harden urging enactment of H. R. 8002, to provide for accrued expenditure budgeting. pp. A7379-80
Speech in the House of Rep. Dooley urging enactment of H. R. 8002 on a trial basis. p. A7401
49. ELECTRIFICATION. Rep. Gubser inserted an editorial commending the building of the private power dams in Hells Canyon as a quicker and cheaper method of securing electric power in the Pacific Northwest. p. A7378
Rep. Moore inserted an article criticizing TVA for drawing industry from other areas by electric rates which it was contended, are artificially lowered due to the absence of Federal taxes. p. A7398
50. FOREIGN TRADE. Rep. Doggs inserted an editorial urging expanded foreign trade as a foreign policy goal. pp. A7378-9
Sen. Neuberger inserted an editorial commending the passage of the Reciprocal Trade Agreements Act extension without the amendment allowing cherry-growers to appeal against the importation of glace and candied cherries. p. A7409
51. PUBLIC DEBT. Rep. Byrd inserted an editorial urging the Government to curb its spending, and to reduce the national debt. p. A7379
52. UNEMPLOYMENT. Sen. Douglas inserted a survey of unemployment. pp. A7384-6
53. SMALL BUSINESS. Rep. Powell inserted a column explaining the proposed Small Business Investment Act of 1958. pp. A7388-9
54. WATER RESOURCES. Rep. Rogers, Tex., inserted the first three essays in a contest, "Why the Importance of Water Conservation," sponsored by the Panhandle Underground Water Conservation District No. 3, White Deer, Tex. pp. A7395-6, A7396-7, A7397.
55. SALINE WATER. Extension of remarks of Rep. Dooley commending the passage of S. J. Res. 135, to authorize the construction of saline water conversion plants, as a step in overcoming the present cost-barrier. p. A7402

gable waters of the United States, to provide coordination and cooperation with the States in the interest of uniformity of boating laws, and for other purposes.

Calendar No. 2395, H. R. 12883, a bill to provide for certain improvements relating to the Capitol Power Plant and its distribution systems.

Calendar No. 2400, S. 3626, a bill to establish a teaching hospital for Howard University, to transfer Freedmen's Hospital to the university, and for other purposes.

Calendar No. 2403, S. 3944, a bill to authorize the negotiation of a compact between the State of Minnesota and the Province of Manitoba, Canada, for the development of a highway to provide access to the northwest angle in such State.

Calendar No. 2404, S. 4214, a bill for the relief of Mary F. C. Leute, the widow of Joseph Henry Leute.

Calendar No. 2406, S. 3915, a bill for the relief of Chiyoko Yoshimoto.

Calendar No. 2407, H. R. 1695, a bill for the relief of Harry N. Duff.

Calendar No. 2408, H. R. 8688, a bill for the relief of Monroe Woolley.

Calendar No. 2409, H. R. 9371, a bill to provide for the relief of certain members and former members of the Army and the Air Force, and for other purposes.

Calendar No. 2412, S. 4085, a bill to amend the act of May 17, 1954 (68 Stat. 98), providing for the construction of the Jefferson National Expansion Memorial at the site of Old St. Louis, Mo., and for other purposes.

Calendar No. 2413, Senate Resolution 345, a resolution to increase funds for the Committee on Interior and Insular Affairs, for the investigation of certain matters.

Calendar No. 2414, Senate Resolution 347, a resolution authorizing the study of worldwide health activities.

Calendar No. 2415, Senate Resolution 356, a resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs.

Calendar No. 2416, Senate Concurrent Resolution 111, a concurrent resolution to print the final report of the Subcommittee on Disarmament of the Committee on Foreign Relations.

Calendar No. 2417, Senate Resolution 351, a resolution authorizing the printing as a Senate document of the study entitled "Legal Aspects of the Use of Systems of International Waters."

Calendar No. 2418, Senate Resolution 354, a resolution to print additional copies of the report entitled "Government Programs on International Education."

Calendar No. 2419, Senate Resolution 331, a resolution authorizing the printing as a Senate document of a staff study by the Subcommittee on Constitutional Rights entitled "The Right To Travel and United States Passport Policies."

Calendar No. 2420, Senate Resolution 332, a resolution to print as a Senate document, "The Soviet Empire: Prison House of Nations and Races."

Calendar No. 2421, H. R. 13688, a bill to provide airmail and special delivery postage stamps for Members of the House of Representatives on the basis of

regular sessions of Congress, and for other purposes.

Calendar No. 2422, House Joint Resolution 648, a joint resolution for a joint session of Congress for commemorating the 150th anniversary of the birth of Abraham Lincoln.

Calendar No. 2423, Senate Resolution 355, a resolution authorizing the Committee on Government Operations to employ 1 additional professional staff member.

Calendar No. 2424, Senate Concurrent Resolution 37, a concurrent resolution favoring congressional recognition of the Baseball Hall of Fame at Cooperstown, N. Y.

Calendar No. 2426, H. R. 9822, a bill to provide for holding a White House conference on aging, and for other purposes.

Calendar No. 2427, S. 2020, a bill to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act.

Calendar No. 2428, S. 1313, a bill to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act and the Railroad Unemployment Insurance Act so as to provide increases in benefits and for other purposes.

This is the railroad retirement bill which was reported on August 13. The Senator from Oregon [Mr. Morse] cleared it before the policy committee today. That measure will be taken up before adjournment. It will not be taken up out of order but we expect to take it up on motion and give the Senate an opportunity to debate it and act upon it.

The following additional measures have been cleared:

Calendar No. 2429, S. 3009, a bill to amend the Immigration and Nationality Act to accord Korean war veterans equal naturalization privileges.

Calendar No. 2430, Senate Resolution 376, a resolution to pay a gratuity to Fannie May Floyd.

Calendar No. 2431, S. 3268, a bill to amend the National Science Foundation Act of 1950, as amended, and for other purposes.

Calendar No. 2432, H. R. 12662, a bill to provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of Standing Rock Sioux Reservation in South Dakota and North Dakota and for other purposes.

Calendar No. 2433, H. R. 12670, a bill to provide for additional payments to the Indians of the Crow Creek Sioux Reservation, S. Dak., whose lands have been acquired for the Fort Randall Dam and Reservoir project and for other purposes.

Calendar No. 2434, H. R. 12663, a bill to provide for additional payments to the Indians of the Lower Brule Sioux Reservation, S. Dak., whose lands have been acquired for the Fort Randall Dam and Reservoir project and for other purposes.

Calendar No. 2435, H. R. 7860, a bill to amend section 1 of the act of July 24, 1956 (70 Stat. 625), entitled "To provide that payments be made to certain

members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range.

Calendar No. 2436, S. 4273, a bill to provide for cooperation with the European Atomic Energy Community.

Calendar No. 2437, Senate Concurrent Resolution 116, concurrent resolution to approve agreement between the Government of the United States and the European Atomic Energy Community—Euratom—concerning cooperation to advance the peaceful application of atomic energy.

Calendar No. 2438, Senate Joint Resolution 201, joint resolution to authorize the Chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Adm. Hyman George Rickover, United States Navy.

Calendar No. 2439, H. R. 11630, a bill to amend title XV of the Social Security Act to extend the unemployment system to ex-servicemen, and for other purposes.

Calendar No. 2440, H. R. 12489, a bill to extend the time for making certain reports under the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956.

Calendar No. 2441, H. R. 11889, a bill to permit articles imported from foreign countries for the purpose of exhibition at the Minnesota State Fair to be admitted without payment of tariff, and for other purposes.

Calendar No. 2442, S. 3571, a bill to provide for equal treatment of all State-owned hydroelectric power projects with respect to the taking over of such projects by the United States.

Calendar No. 2443, S. 3776, a bill to extend the time for the collection of tolls to amortize the cost of a bridge across the Missouri River at Miami, Mo.

Calendar No. 2444, S. 4179, a bill to authorize the Tahchevah Creek project, Palm Springs, Calif.

Calendar No. 2446, H. R. 8160, a bill authorizing a survey of the Tensaw River, Ala., in the interest of navigation and allied purposes.

Calendar No. 2447, H. R. 8652, a bill to rescind the authorization for the Waldo Lake Tunnel and regulating works, Willamette River, Oreg.

Calendar No. 2449, H. R. 12216, a bill to designate the dam and reservoir to be constructed on the Cumberland River near Carthage, Tenn., as the Cordell Hull Dam and Reservoir.

Calendar No. 2450, H. R. 13342, a bill to provide for a survey of Parish Line Canal, La.

Calendar No. 2451, S. 4287, a bill to amend the act of July 27, 1956, relating to detention of mail for temporary periods in certain cases.

Calendar No. 2454, H. R. 13580, a bill to increase the public debt limit.

Calendar No. 2455, H. R. 13518, a bill to incorporate the Blinded Veterans Association.

Calendar No. 2456, Senate Joint Resolution 89, joint resolution to authorize and request the President to proclaim 1 week each year as National Junior Achievement Week.

Calendar No. 2457, H. R. 4642, a bill to establish a Commission and Advisory Committee on International Rules of Judicial Procedure.

Calendar No. 2458, S. 1885, a bill for the relief of David Forbes.

Calendar No. 2459, S. 2469, a bill for the relief of Dr. Brant Bonner.

Calendar No. 2460, S. 3338, a bill for the relief of Erminio Neglia.

Calendar No. 2461, S. 3523, a bill for the relief of Benedict Eremenko and Victor Tatarnikov.

Calendar No. 2462, S. 4109, a bill for the relief of Dr. Herbert H. Schafer, and his wife, Irma Niemeyer Schafer.

Calendar No. 2463, S. 449, a bill for the relief of Johann Kalatschan.

Calendar No. 2464, S. 951, a bill for the relief of Stasys Sereika.

Calendar No. 2465, S. 3503, a bill for the relief of Marie Inette Konomos.

Calendar No. 2466, S. 3565, a bill for the relief of Ellen B. Mueller.

Calendar No. 2467, S. 4169, a bill to amend the act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization.

Calendar No. 2468, S. 448, a bill for the relief of Maria Lorenz.

Calendar No. 2469, S. 453, a bill for the relief of Peter Menzer.

Calendar No. 2470, S. 1944, a bill for the relief of Ethel Auth.

Calendar No. 2471, S. 1945, a bill for the relief of Jacob Libling, Jr.

Calendar No. 2472, S. 2186, a bill for the relief of Martin Albert.

Calendar No. 2473, S. 4032, a bill for the relief of Mercede Svaldi.

Calendar No. 2474, H. R. 3904, a bill for the relief of Nunik Firjanian and Florence Thomasi.

Calendar No. 2475, H. R. 1494, a bill for the relief of the Southwest Research Institute.

Calendar No. 2476, H. J. Res. 585, a joint resolution authorizing and directing the Secretary of the Interior to conduct studies and render a report on service to Santa Clara, San Benito, Santa Cruz, and Monterey Counties from the Central Valley project, Calif.

Calendar No. 2477, H. R. 9239, a bill to provide for the construction of an irrigation distribution system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, Calif., and for other purposes.

Calendar No. 2478, H. R. 13558, a bill to incorporate the Military Order of the Purple Heart of the United States of America, of combat wounded veterans who have been awarded the Purple Heart.

Calendar No. 2479, S. 1870, a bill to amend section 1 (c) of title 17 of the United States Code with regard to the rendition of musical compositions on coin-operated machines.

Calendar No. 2480, H. R. 8481, a bill to amend title IV of the Agricultural Act of 1956 to provide that the provisions of such title shall apply in Hawaii.

Calendar No. 2481, H. R. 12494, a bill to authorize the Secretary of Agriculture in selling or agreeing to the sale of lands to the State of North Carolina to

permit the State to sell or exchange such lands for private purposes.

Calendar No. 2482, H. R. 1829, a bill for the relief of the estate of Mrs. Frank C. Gregg.

Calendar No. 2483, H. R. 6175, a bill for the relief of Virginia Heil.

Perhaps most of those bills will pass on the calendar call, but those which do not will be subject to a motion following the call of the calendar.

Mr. WILEY. Does the Senator mean at 10 o'clock on Monday morning?

Mr. JOHNSON of Texas. Yes. There will be a morning hour, following which there will be a call of the calendar. Following the call of the calendar, certain bills will be taken up on motion.

ANNOUNCEMENT OF CONSIDERATION OF BILL ON MISBRANDING OF FIBER CONTENT OF TEXTILE PRODUCTS

Mr. GORE. Mr. President, the junior Senator from Tennessee arrived in the Chamber a little late. Did the majority leader make an announcement with reference to Order No. 1689, H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products? Did he announce that the bill would be called up?

Mr. JOHNSON of Texas. It had been cleared previously and a previous announcement has been made with respect to it. It has not been called up, because some Senators are attempting to work out an amendment which will be satisfactory to the opposition and to the proponents of the bill. I understood the Senators were to meet, probably today. I said that if we considered everything we announced as having been cleared, we would probably be here until October, perhaps even longer. The bills I have announced are the bills which the Policy Committee has authorized the leadership to bring up on motion. Some will be brought up by motion, and some not. The bill to which the Senator has made reference is one which I have been authorized to bring up by motion.

I had anticipated doing so this week. However, when the two sides said they were attempting to get together, I did not wish to rush them. I hope to bring it up next week. There is great interest in the bill. I know it is of great interest to some 25 or 30 Senators, and they are extremely concerned about it. I wish to be fair with the opponents of the bill. If there is any area of agreement which can be reached, I wish to give them ample opportunity to reach it. If they do not do so by the middle of the week, I shall try to find a place for it somewhere in the schedule.

Mr. GORE. I thank the Senator. It is a much-needed bill. The cotton farmers and the cotton industry are very much interested in it, and the public is entitled to protection against misbranding and false advertising of the fiber content of textile material.

Mr. JOHNSON of Texas. I quite agree with the Senator. When the Senator was occupied in Tennessee recently, he expressed his position on two bills. One

was the labeling bill, to which we have had reference, and the other was the tax bill. The tax bill has already gone to the President. I suspect the bill we are discussing will be passed before next week is over. I appreciate the Senator's suggestion, and he may be assured of my full cooperation. I want the opponents to be able to work something out with the proponents, if it is possible to do so.

Mr. GORE. I am perfectly willing to give them opportunity to work it out, but I do not want the opponents to prevent consideration of the bill.

Mr. JOHNSON of Texas. They are not going to.

AMENDMENT OF DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13132) to amend the District of Columbia Teachers' Salary Act of 1955. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of August 13, 1958, p. 15998, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, I will say for the benefit of the acting minority leader that I have discussed this matter and have cleared it on his side of the aisle. The report was signed by the two conferees on that side of the aisle.

Mr. MORSE. Mr. President, the present Presiding Officer, the Senator from Wisconsin [Mr. PROXMIRE] and the senior Senator from Oregon did not sign the conference report, although we were conferees. We did not sign the report because, in the first place, we did not believe the report provides an adequate salary increase for the teachers. We did not sign it, in the second place, because we thoroughly disapproved of the procedure which was followed in conference. It was a procedure for which the Senator from Nevada [Mr. BIBLE] is not in the slightest degree responsible. He was not one of the conferees. He is presenting the report in behalf of the conferees.

As to the first point of our objection, namely, that we do not believe the bill provides an adequate salary increase for the teachers, we are confronted with this situation. It is this or nothing. We want the teachers of the District of Columbia to know that, come January, we will again be proposing legislation which seeks to obtain for them a salary commensurate with the value of their services, and a salary in keeping with the obligations of Congress toward the

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11. PERSONNEL. Passed as reported H. R. 9407, to provide additional opportunity for certain employees to obtain career-conditional and career appointments in the competitive service. p. 16848
Passed without amendment S. 4004, to encourage transfers of Federal employees for service with international organizations. This bill will now be sent to the President. pp. 16849-49
Passed as reported S. 3195, to authorize certain retired Federal personnel to accept and wear decorations, presents, and other things tendered them by certain foreign countries. pp. 16850-66
 12. INSPECTION SERVICES. Passed without amendment S. 3873, to permit the interchange of inspection services between executive agencies without reimbursement or transfer of funds. This bill will now be sent to the President. p. 16867
 13. MINING CLAIMS. Passed over without prejudice, at the request of Rep. Saylor, S. 2039, to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor. p. 16867
 14. EDUCATION. The Rules Committee reported a resolution for consideration of H. R. 13247, the national defense education bill. p. 16887
 15. SALINE WATER. The "Daily Digest" states that conferees agreed to file a report on "S. J. Res. 135, relating to the conversion of saline water to potable uses." p. D871
 16. LEGISLATIVE PROCEDURE. Rep. Arends objected to scheduling numerous bills in the House for consideration under suspension of the rules, stating that "some of these bills you have scheduled are of major importance and highly controversial and extremely costly to the American people." p. 16804
- SENATE
17. FARM PROGRAM. Concurred in the House amendment to S. 4071, the Senate farm bill. This bill will now be sent to the President. (pp. 16748-59) See Digest 140 regarding provisions of the House Amendment.
 18. FARM LABOR. Passed without amendment H. R. 10360, to extend the Mexican farm labor program until June 30, 1961. This bill will now be sent to the President. p. 16659
 19. LIVESTOCK DISEASES. Passed as reported H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-or-mouth disease exists. p. 16661
 20. MARGARINE. Passed with amendment H. R. 912, to amend the Navy ration statute to permit the serving of oleo or margarine. pp. 16661-2
 21. TEXTILES. Passed with amendments H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products. (pp. 16720-1, 16725, 16726-45)
Adopted the committee amendments, and an amendment by Sen. Javits, to eliminate language requiring the labeling of the containers of imported textile products (p. 16744).

22. WATER RESOURCES. Passed with amendments H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. Agreed to two amendments by Sen. Cotton to exclude recreational facilities from the bill. pp. 16716-19
- Passed with amendment H. R. 12216, to designate a dam on the Cumberland River near Carthage, Tenn., as the Cordell Hull Dam, and to establish a U. S. study commission on certain Texas river basins. pp. 16634-5
- Passed without amendment H. J. Res. 585, to authorize the Secretary of the Interior to conduct studies into the feasibility of furnishing water from the Central Valley Project to the counties of Santa Clara, San Benito, Santa Cruz, and Monterey, Calif., by way of the Pacheco Tunnel route or other means. This measure will now be sent to the President. p. 16638
- Sen. Neuberger discussed S. 3185, to require the FPC to secure approval by the Secretary of the Interior of any license affecting fish and wildlife resources. He asserted that the amendment proposed by Sen. Morse, to require only that the FPC receive recommendations but not be bound by them, would maintain the present situation in FPC, which, he alleged, "has neither special competence nor special sympathy for conservation goals and methods, when they would militate against construction of a power project." pp. 16622-26
- Sen. Watkins inserted two articles on Russian hydro-power development which asserted that their program was behind schedule, and greater emphasis was now being placed on thermal power generation. pp. 16617-18
- Sen. Johnson discussed the development of Texas' water resources and urged the development of a unified program. pp. 16611-12
23. FORESTRY. Passed without amendment H. R. 8481, to extend title IV of the Agricultural Act of 1956, relating to forestry, to Hawaii. This bill will now be sent to the President. p. 16638
- Sen. Humphrey inserted resolutions from the cities of Tower, Eveleth, and Kinney, Minn., urging the appropriation of additional funds for construction projects planned for the Superior National Forest. p. 16613
24. LAND UTILIZATION. Passed without amendment H. R. 12494, to authorize this Department, in selling or agreeing to the sale of certain lands to N. C., to permit the State to sell or exchange such lands for private purposes. This bill will now be sent to the President. p. 16638
25. ELECTRIFICATION. Passed without amendment S. 3571, to provide for equal treatment of all State-owned hydro-electric power projects with respect to the taking over of such projects by the U. S. p. 16633
- Sen. Humphrey inserted a resolution from the East River Electric Power Cooperative urging the enactment of S. 2990 and H. R. 11762, to transfer certain REA functions from the Secretary to the REA Administrator. pp. 16612-13
26. RESEARCH. Passed with amendment S. 3268, to provide various amendments to the National Science Foundation Act. pp. 16631-2
27. ADMINISTRATIVE ORDERS. The Judiciary Committee reported without amendment H. R. 6789, to provide for reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies (S. Rept. 2435). p. 16613
28. FOOD ADDITIVES. The Labor and Public Welfare Committee reported with amendments H. R. 13254, to amend the Federal Food, Drug, and Cosmetic Act so as to prohibit the use in foods of additives which have not been adequately tested to establish their safety (S. Rept. 2422). p. 16613

above. It is requested that a copy of this letter accompany your report to the Committee.

Sincerely yours,

PHILLIP S. HUGHES,

Assistant Director for Legislative Reference.

The Honorable the Secretary of Agriculture.

Attention: Mr. Carl R. Sapp.

105-A Administration Building.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. PROXMIRE. The Senator from New Hampshire obviously has a very strong argument. I am sure the Senator feels very deeply about the subject and has considerable support. The bill is so enormously important to conservation groups and fish and wildlife that, after a conference with my good friend from Minnesota [Mr. HUMPHREY], I think we are willing to accept the amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. COTTON. I am glad to yield, but I will say I yield briefly because, if I am going to have my amendment agreed to, I want to do so quickly, before any Senator changes his mind.

Mr. AIKEN. I know the Senator from New Hampshire is very proud of his State, which is a beautiful State. I cannot concede that New Hampshire is the most beautiful State in the Union, but I will concede that it is next to the most beautiful State in the Union, with only a river between.

Mr. COTTON. Mr. President, I appreciate the courtesy of my friends in this matter. Having practiced law, I never make a speech if I can get what I want without it. I shall withhold the long speech I have, if the amendment can be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from New Hampshire, en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill (H. R. 5497) was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Texas to reconsider.

The motion to lay on the table was agreed to.

PROMOTION OF BOATING SAFETY ON NAVIGABLE WATERS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 2393, House bill 11078, a bill to promote boating safety.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 11078) to promote boating safety on the navigable waters of the United States, to provide coordination and cooperation with the States in the interest of uniformity of boating laws, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. SMATHERS. Mr. President, I am happy to make a brief explanation of the bill on behalf of Senator MAGNUSON—the distinguished and able chairman of the Committee on Interstate and Foreign Commerce, who is presently attending a conference on the supplemental appropriations bill.

The bill passed the House. It has been approved by the Senate Committee on Interstate and Foreign Commerce, and is now before the Senate. The purpose of the bill is to enable the States to enact safety measures with respect to the use of recreational boats which operate on our lakes and up and down most of our rivers.

The reason the Federal Government must act is that these are navigable waters, and the Federal Government has jurisdiction over navigable waters. Yet the Federal Government does not wish to become a policeman over the myriad of small boats, most of which are pleasure boats. Therefore, it becomes necessary for us to pass this enabling legislation to insure boating safety.

I have only one objection to the bill at the moment. In that connection, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Florida will be stated.

The CHIEF CLERK. On page 2, line 13, after the word "than" it is proposed to strike out "7½" and insert "10."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. The only purpose of the amendment is to raise the limitation from 7½ horsepower to 10 horsepower. The danger comes from small boats which have highpowered engines, rather than small engines. We do not wish to restrict or work a hardship upon the fishermen in various waters who make their livelihood in small boats. These individuals are expert boatmen and thoroughly familiar with the rules of the road.

I hope the Senate will approve the amendment and pass the bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. JAVITS. Can the Senator tell us whether associations of small boating enthusiasts are for or against the bill?

Mr. SMATHERS. The small boat manufacturers are for it, as are the engine manufacturers. Apparently everyone is for the bill except small fishermen groups, and I believe that we can take care of them by the amendment offered at this time. It is a reasonable amend-

ment and in no way affects the safety aspects of the legislation.

Mr. JAVITS. I do not believe the Senator quite understood my question. What is the attitude of the small boating associations, small yacht clubs, and those who operate boats for pleasure? How do they feel about it?

Mr. SMATHERS. They are very strongly in favor of the bill.

Mr. JAVITS. I thank the Senator.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. LAUSCHE. As a member of the committee, I listened to the testimony on the bill and to the arguments, negative and affirmative, which were made with respect to it. All the proof clearly showed that there was some need for the enactment of a law which would provide for the safety of users of boats on our navigable streams. From the standpoint of Ohio, I have had indications from practically every industry and recreational agency interested in this type of recreation and use of our waters. They give support to the bill. I therefore join the Senator from Florida in urging that the bill be passed.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. KNOWLAND. I wish to confirm what the Senator from Ohio has said. All the reports I have received from those interested in small boat development, small boat harbors, and recreational facilities, are in support of the proposed legislation.

Mr. SMATHERS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. SMATHERS].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SMATHERS. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. SMATHERS. Mr. President, in connection with the passage of the bill, I ask unanimous consent that there be printed in the RECORD telegrams and letters which I send to the desk.

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

THE COUNCIL OF STATE GOVERNMENTS,
Chicago, Ill., August 13, 1958.

To All Members of the United States Senate:
The Council of State Governments is pleased that H. R. 11078, the bill relating to boating safety, has been reported by the Committee on Interstate and Foreign Commerce. For the reasons set forth below, it urges that congressional action on the bill be completed this year.

The council regards the cooperative Federal-State regulatory procedure proposed by the bill as an almost ideal way to protect States' rights, duties, and responsibilities in this important field. It views the procedure

utilized in drafting this legislation as one which should be considered for possible application in other areas where responsibilities of the two levels of government—Federal and State—coincide or overlap. In our opinion, this procedure almost assures that the rights and privileges of neither sovereign will be infringed.

In response to a request of the House Merchant Marine and Fisheries Committee a subcommittee of the Council's Committee on Suggested State Legislation was set up to cooperate in drafting generally uniform Federal and State legislation to regulate pleasure boating. The Subcommittee on Recreational Boating Safety, made up entirely of State officials, has as members or consultants one or more representatives of 10 States—California, Colorado, Florida, Michigan, New Hampshire, North Carolina, New York, Pennsylvania, Virginia, and West Virginia. Working with the staff of the House committee and the Coast Guard, and with the advice and counsel of representatives of the boating industry and public, the subcommittee developed H. R. 11078. The combined group is now working on a complementary model State bill to present to the States whose legislatures meet next year.

Enactment of H. R. 11078 this year will permit the legislatures of 45 States to consider the complementary State bill next year. If congressional enactment is delayed until 1959, the legislatures of 36 States will be unable to consider a model State bill before 1961. By that time, the pressures on State legislatures to enact boating safety legislation may be irresistible and, as many different regulatory schemes are enacted, the opportunity to adopt a cooperative Federal-State uniform approach will have been lost.

To our certain knowledge, many States are anxious to consider the State bill to implement this Federal-State program. These include, in addition to the States represented on our subcommittee, Arizona, Arkansas, Connecticut, Delaware, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Jersey, Tennessee, Washington, and Wisconsin, and Alaska and Hawaii. In at least some of these States, enactment or implementation of State legislation has been delayed pending the results of our work.

Sincerely yours,

CHARLES F. SCHWAN, Jr.,
Washington Representative.

SAN FRANCISCO, CALIF., August 15, 1958.

HON. GEORGE SMATHERS,
United States Senator From Florida,
Senate Office Building,
Washington, D. C.:

Charles Tom Henderson, Ernest Mitts and I urge your support of Bonner bill, H. R. 11078. We were very active in the drafting of this bill as members of the committee of the Council of State Governments which feels very acutely the need for this legislation in the Congress. Understand the objectionable features were amended out of the original House version and that most States feel the need for this permissive legislation to provide the States with some degree of control of boating safety. The vote in the House is indicative of the State support although we know that BOB SIKES opposed the bill for various reasons. I am here for national budget officers' meeting and cannot reach Tom Henderson because he is en route by auto to Los Angeles for another meeting or you would also hear from him direct. We feel that this bill is good and sound for Florida where boating safety is of tremendous importance. We urge your support in the passage of this bill. Kindest regards

HARRY G. SMITH.

NATIONAL WILDLIFE FEDERATION,
Washington, D. C., August 13, 1958.

Senator GEORGE D. AIKEN, Senator GORDON ALLOTT, Senator CLINTON P. ANDERSON, Senator ALAN BIBLE, Senator JOHN MARSHALL BUTLER, Senator HARRY FLOOD BYRD, Senator FRANCIS CASE, Senator DENNIS CHAVEZ, Senator FRANK CHURCH, Senator EVERETT MCKINLEY DIRKSEN, Senator PAUL H. DOUGLAS, Senator ALBERT GORE, Senator CARL HAYDEN, Senator LISTER HILL, Senator ROMAN L. HRUSKA, Senator HUBERT H. HUMPHREY, Senator ESTES KEFAUVER, Senator THOMAS H. KUCHEL, Senator JOHN L. MCCLELLAN, Senator WARREN G. MAGNUSON, Senator WAYNE MORSE, Senator KARL E. MUNDT, Senator JAMES E. MURRAY, Senator RICHARD L. NEUBERGER, Senator WM. E. PROXMIER, Senator A. WILLIS ROBERTSON, Senator ANDREW F. SCHOEPPEL, Senator JOHN J. SPARKMAN, Senator STUART SYMINGTON, Senator HERMAN E. TALMADGE, Senator EDWARD J. THYE, Senator ARTHUR WATKINS, Senator ALEXANDER WILEY, Senator RALPH YARBOROUGH, and Senator MILTON R. YOUNG,
Washington, D. C.:

We would like to take this brief opportunity to advise you that the National Wildlife Federation, representing affiliates in 50 States and Territories and more than 2 million individual sportsmen-conservationists, has approved of H. R. 11078, the Federal Boating Act.

The Federation believes this measure, which already has passed the House and won favorable approval by the Senate Committee on Interstate and Foreign Commerce, will help stimulate needed State boating safety legislation of a uniform nature. We hope you can see fit to give favorable consideration to this measure when it is brought before the Senate.

Sincerely,

NATIONAL WILDLIFE FEDERATION,
LOUIS S. CLAPPER,
Assistant Conservation Director.

WASHINGTON, D. C., August 13, 1958.
HON. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D. C.

The Outboard Boating Club of America, the American Yachtmen's Association, the National Association of Marine Dealers and the National Association of Engine and Boat Manufacturers represent many thousands of boat owners, marine dealers and manufacturers of marine engines, boats, and equipment throughout the United States.

We have given our complete support to H. R. 11078, the Federal Boating Act of 1958, as have many other groups familiar to you, such as the United States Coast Guard Auxiliary, United States Power Squadrons, the Council of State Governments and the United States Coast Guard.

This bill is now awaiting final action by the Senate and is No. 2393 on the calendar.

The Council of State Governments which cooperated completely in the drafting of H. R. 11078, and can reasonably be expected to have watched for and guarded against any possible invasion of States rights by the Federal Government, is 100 percent in favor of this legislation and will give you their views by letter.

H. R. 11078 updates existing laws applicable to pleasure boating and provides for:

1. Numbering for identification purposes, all boats propelled by machinery of over 7½ horsepower.
2. A fee for so doing and the States to do the numbering job and keep the fees.
3. Civil penalty authority for the Coast Guard in addition to their existing criminal penalty authority.

4. Mandatory obligation to render assistance and reports in cases of serious boating accidents.

5. Concurrent jurisdiction on the navigable waters of the United States for both State and Federal enforcement of boating laws.

6. Specifically provides that no State jurisdiction is affected by the act.

H. R. 11078 is a completely nonpartisan boating safety measure which regulates, but does not restrict, pleasure boating in the United States.

We earnestly solicit your support for this bill to promote boating safety and urge that favorable action be taken before final adjournment.

Respectfully submitted,
OUTBOARD BOATING CLUB OF AMERICA,
CHICAGO.
AMERICAN YACHTMEN'S ASSOCIATION,
ANNAPOLIS.
NATIONAL ASSOCIATION OF MARINE DEALERS,
WASHINGTON.
NATIONAL ASSOCIATION OF ENGINE AND BOAT MANUFACTURERS,
NEW YORK.

MR. SMATHERS. Mr. President, our very able and respected chairman of the committee, Senator MAGNUSON, for the purpose of clarifying the intent of section 8 (c) of the bill prepared a statement of an explanatory nature, and I ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Question has been raised that section 8 (c) of the bill might be construed to limit the authority of the Coast Guard to board vessels to those required to be numbered by this act. Earlier stages of the bill did not provide for any exemption from the numbering requirement on the basis of the horsepower of motors, and boarding authority for all mechanically powered boats was contemplated. Since the act of April 25, 1940, and the applicable rules of the road, specifically mentioned in section 8 (c), likewise apply to all motorboats, whether numbered or not, obviously the proposed legislation does not intend to limit the boarding authority of the Coast Guard which it has under other laws, such as title 14 United States Code, section 89, nor is there any intent to curtail the separate authority of the Coast Guard to administer and enforce any other statutes not mentioned in section 8 (c).

MR. MAGNUSON subsequently said: Mr. President, the Senate a few minutes ago passed, with an amendment, H. R. 11078, which provides for safety on navigable waters of the United States.

I move that the Senate insist on its amendment, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. BIBLE, Mr. YARBOROUGH, Mr. BRICKER, and Mr. POTTER conferees on the part of the Senate.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

MR. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 1689, House bill 469.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate and Foreign Commerce, with amendments, on page 4, line 17, after the word "transported", to insert "in commerce"; in line 18, after the word "product", to strike out "which has been advertised or offered for sale in commerce,"; on page 5, line 2, after the word "in", to insert "interstate or foreign"; on page 6, line 10, after the word "produced", to insert "by the manufacturer or processor"; on page 7, line 17, after the word "name", to insert a colon and "Provided, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 percent or less by weight of the total fiber content shall not be designated by the generic name or the trademark of such fiber or fibers, but shall be designated only as 'other fiber' or 'other fibers' as the case may be."; on page 9, line 5, after the word "unless", to strike out "such written advertisement contains the same information with respect to fiber content as that required to be shown on the stamp, tag, label, or other identification under paragraph (1) of section 4 (b)" and insert "the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b) (1) and (2) is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated."; on page 10, after line 17, to insert: "(g) For the purposes of this act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal or any term identified with furs is used in the advertisement of such product unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal, is used, is a fur or fur product within the meaning of the Fur Products Labeling Act: *Provided, however,* That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word 'fiber', 'hair', or 'blend', may be used."

On page 14, line 8, after the word "make", to insert "such"; on page 18, line 12, after the numeral "(2)", to insert "upholsteries and"; and in the same line, after the word "of", to insert "mattresses and box springs"; in line 13, to strike out the word "furniture"; in line 19, after the numeral "(6)", to strike out "backings of" and insert "padding or cushions to be used under"; in line 22, after the word "bandages", to strike out "and", and in the same line, after the word "dressings", to insert "and other

textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended,"; and on page 19, at the beginning of line 7, to insert "catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or diapers."

Mr. THURMOND. Mr. President, I have an amendment to offer to the bill.

Mr. JOHNSON of Texas. Mr. President, the bill will not be passed for some time. As I understand, the motion to proceed to the consideration of the bill has been agreed to. Is that correct?

The PRESIDING OFFICER. It has.

STUDY OF WORLDWIDE HEALTH ACTIVITIES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar 2414, Senate Resolution 347, in order to afford an opportunity to the attachés to notify Senators that in a short time we shall resume the consideration of Calendar 1683 House bill 469.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 347) authorizing a study of worldwide health activities.

Mr. JOHNSON of Texas. Mr. President, I ask for the attention of the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Government Operations with amendments, and subsequently reported from the Committee on Rules and Administration without additional amendment.

The amendments of the Committee on Government Operations were: On page 3, line 13, after the word "programs," to insert "international cultural, educational, and exchange of persons programs"; in line 20, after the word "health," to insert "international cultural, educational, and exchange of persons program"; in line 24, after the name "Administration," to insert "the United States Information Agency"; and on page 5, line 2, after the word "exceed," to strike out "\$20,000" and insert "\$30,000"; so as to make the resolution read:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the international activities of Federal executive branch departments and agencies relative to worldwide health matters, and of any and all matters pertaining to intergovernmental relations between the United States and international organizations of which the United States is a member, as provided for in rule XXV (1) (g) (2) (B)

and (D) of said Standing Rules of the Senate, and of any and all matters pertaining to international health research, rehabilitation, and assistance programs, international cultural, educational, and exchange of persons programs, including but not limited to (1) the general level of authorization of funds for the future to enable the programs efficiently to achieve their purposes, including the use of United States appropriations and foreign currencies generated by American aid and sales of farm surpluses; and (2) the coordination of programs related to international health, international cultural, educational, and exchange of persons programs, on the part of interested United States Government agencies, including but not limited to, the programs of the Department of State, the International Cooperation Administration, the United States Information Agency, the Department of Health, Education, and Welfare, the Atomic Energy Commission, the Veterans' Administration, and the National Science Foundation, in appropriate cooperation with nongovernmental organizations.

SEC. 2. For the purposes of this resolution the committee, from date of approval to January 31, 1959, inclusive, is authorized to (1) make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1959.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed \$30,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. HUMPHREY. Mr. President, Senate resolution 347 was approved by the Committee on Government Operations, and also by the Committee on Rules and Administration. It would authorize a study of all the international health and cultural activities. Ordinarily such a study would be conducted by a standing subcommittee of the Committee on Government Operations. Such a subcommittee, called the Subcommittee on International Organizations, was in existence at one time. This is a supplemental organization to the standing Subcommittee on Reorganization.

I believe that the proposed study is needed, and that it can yield some concrete results next year, in terms of both authorizations and appropriations.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Committee on Government Operations.

Mr. JOHNSON of Texas. Mr. President, I ask that the committee amendments be agreed to en bloc.

There being no objection, the committee amendments were agreed to en bloc.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed

in the RECORD at this point as a part of my remarks a statement explaining the resolution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

I am pleased that the Senate has approved Calendar No. 2414, Senate Resolution 347, which will authorize a study by the Senate Committee on Government Operations of worldwide health activities.

I should like to add that I am most gratified that this resolution was adopted on the very day after a major landmark in the international health field was reached. I refer to the action of the distinguished senior Senator from Alabama [Mr. HILL] in introducing Senate Joint Resolution 199.

The purpose of that resolution is to establish, in the Department of Health, Education, and Welfare, the National Advisory Council for International Medical Research and to establish, in the Public Health Service the National Institute for International Medical Research.

My able colleague, the chairman of the Senate Committee on Labor and Public Welfare proceeds from the very same general premises as I do in focusing the attention of the American people on this important subject of the advancing mankind's health through worldwide cooperation.

I ask unanimous consent that there appear in the RECORD, immediately following the action on Calendar No. 2414 a statement which I have prepared on the subject of Senate Resolution 347.

BACKGROUND STATEMENT BY SENATOR HUMPHREY

Senate Resolution 347 was introduced by myself on July 25, 1958, and referred to the Senate Committee on Government Operations.

Its purpose is to make a full and complete study of all matters pertaining to international health research, rehabilitation, and assistance programs.

I am glad to say that the distinguished Senator from Iowa [Mr. MARTIN] had kindly indicated to me that he would be pleased to serve as a cosponsor of Senate Resolution 347.

On August 4, 1958, it was my pleasure to report Senate Resolution 347, which had been approved with an amendment, by unanimous action of the Committee on Government Operations.

The amendment provided for a study, as well, of international cultural, educational, and exchange of persons programs.

I may say that the amendment arose out of the deep interest of the able senior Senator from South Dakota [Mr. MUND], who has made notable contributions to this field.

Yesterday, the Senate Committee on Rules unanimously reported this resolution with Senate Report 360.

BROAD JURISDICTION OF GOVERNMENT OPERATIONS COMMITTEE

It should be noted that the Senate Committee on Government Operations is uniquely qualified to make such a broad study.

Rule XXV of the standing rules of the Senate, provides that the Committee on Government Operations has the duty of studying the operations of government activities at all levels, with a view to determining economy and efficiency and the further duty of studying international relationships between the United States and international organizations of which the United States is a member.

MANY AGENCIES ENGAGED IN MEDICAL RESEARCH

It must be remembered that a great many United States Government agencies are involved in health research and assistance programs.

In the field of medical research alone, on which our good friend, the senior Senator from Alabama, made so outstanding an address yesterday, let it be noted that the following Government agencies and bureaus are engaged directly: The National Institutes of Health, the Atomic Energy Commission, the Veterans' Administration, the National Science Foundation, the Department of the Army, the Department of the Navy, the Department of the Air Force.

MORE AGENCIES INTERESTED IN OVERSEAS HEALTH

On the subject of international health assistance, again we find a considerable number of Government agencies interested; notably the Department of State, the International Cooperation Administration, the United States Information Agency, the Central Intelligence Agency, and the Department of Health, Education, and Welfare.

In connection with entomological work, the Department of Agriculture is likewise deeply interested in overseas efforts.

INTERNATIONAL AGENCIES INVOLVED

Many multigovernmental agencies are likewise involved in this field, principally the World Health Organization. Other multilateral agencies interested are the United Nations Children's Fund, the Food and Agricultural Organization, the International Labor Organization, the United Nations Educational, Scientific, and Cultural Organization, and United Nations Technical Assistance.

INVITATION FOR SENATORS' COOPERATION

I should like, at this point, to convey my warmest invitation to Members of the Senate to help us to achieve the objectives of Senate Resolution 347.

I know that a great many of my colleagues are interested in this subject.

I may say that, in our earlier thinking on this resolution, consideration had been given to the possibility of establishing a select committee which might have included not only members of the Committee on Government Operations, but ranking members of two other committees; namely, the Committee on Labor and Public Welfare, which has basic jurisdiction in the field of health legislation, and the Committee on Foreign Relations, which has basic jurisdiction, of course, in international activities.

One of the problems that we faced, however, is that the ranking members on these committees are heavily engaged in diverse activities, as are my colleagues on the Committee on Government Operations.

But the fact that this study will be made, by the Committee on Government Operations, does not, in the slightest, limit our desire to get the fullest benefit of the judgment of the distinguished members of these two other committees which I have mentioned.

We know that these members, such as the able junior Senator from Arkansas [Mr. FULBRIGHT], possess a great degree of knowledge and insight which would be highly helpful to us. We warmly invite them to sit with us in our meetings, to convey their suggestions to us; to give us and the staff of the Committee on Government Operations the benefit of their judgment and the benefit of the judgment of staff members on the other two committees.

INVITATION TO GOVERNMENT OPERATIONS COMMITTEE

The Senate Government Operations Committee's Subcommittee on Reorganization and International Organizations will be making this study. As yet, I do not know which of the particular members of the subcommittee will be able actively to participate. I hope that all of them will be able to do so, although I recognize the many burdens which bear upon them.

And I am not familiar, as yet, with the schedules of those of my colleagues on the

full Committee on Government Operations who are not members of this subcommittee, but who, I earnestly hope, will, likewise, be able to participate in our activities.

ASSISTANCE FROM SENATORS ON FOREIGN RELATIONS COMMITTEE

Let me say that it is a source of particular gratification to me that the membership of the Committee on Rules, which without dissent approved the resolution, includes the distinguished chairman of the Senate Committee on Foreign Relations, Mr. GREEN, and the junior Senator from Montana [Mr. MANSFIELD].

I may say that a previous subcommittee study made by my able colleague from Montana in the field of international technical assistance serves as a model, not only for the review under Senate Resolution 347, but for any other review which may be made by any other congressional committee.

MINIMUM OF FUNDS PROVIDED

I should like to point out that \$30,000 is authorized for Senate Resolution 347. Thus, we have restricted our request of funds to a minimum. As was stated in my report to the Rules Committee, it is the intention of this subcommittee to utilize to the fullest, to the extent that it is feasible, the services of staff members of Government agencies whose day-to-day work bears directly upon this field.

In addition, we expect to get the benefit, as I have previously indicated, of the judgment of those members of the staff of other Senate committees who have become expert in this field, together with skilled judgment of staff members in the offices of the individual Members of the Senate.

In summary, it is our desire to mobilize, with a minimum of financial outlay, the best thinking which is available so as to achieve the purposes of this resolution.

COOPERATION WITH LABOR COMMITTEE

I may say that I look forward with pleasure to the hearings which will be conducted by our colleague from Alabama [Mr. HILL] and his associates on the Committee on Labor and Public Welfare on Senate Joint Resolution 199. I am sure that those hearings will shed important light on this general subject.

Our own purview is, of course, not any particular bill, but the broad subject as stated in our resolution.

I foresee a maximum of cooperation with the Labor Committee. We will delineate, I am sure, very carefully the respective areas in which we will be engaged, and we will proceed with teamwork and harmony.

This, then, is our goal, and this is our procedure—a goal of better health and a procedure of fullest cooperation.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the international activities of Federal executive branch departments and agencies relative to worldwide health matters, and of any and all matters pertaining to intergovernmental relations between the United States and international organizations of which the United States is a member, as provided for in rule XXV (1) (g) (2) (B) and (D) of said Standing Rules of the Senate, and of any and all matters pertaining to international health research, rehabilitation, and assistance programs, inter-

The world of sport is a microcosm, a little world in itself. The laws, which are imperative for constraining the world at large, would place the sphere of athletics in an operational straitjacket, unable to breathe or move. Unless Congress specifically exempts team sports from the danger of prosecution under the Antitrust Act, they'll be strangled to death.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (S. 4071) to provide more effective price, production adjustment, and marketing programs for various agricultural commodities.

The message announced that the House insisted upon its amendment to the bill (S. 3420) to extend and amend the Agricultural Trade Development and Assistance Act of 1954, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. AUFUSO, Mr. HILL, and Mr. HOEVEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6090) to set aside certain lands in Oklahoma for the Cheyenne and Arapaho Indians; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HALEY, Mr. ASPINALL, Mr. EDMONDSON, Mr. BERRY, and Mr. THOMSON of Wyoming were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12226) to amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. O'BRIEN of New York, Mr. ASPINALL, Mr. SISK, Mr. MILLER of Nebraska, and Mr. SAYLOR were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. THOMAS, Mr. KIRWAN, Mr. ROONEY, Mr. GARY, Mr. TABER, Mr. JENSEN, Mr. VURSELL, and Mr. BOW were appointed managers on the part of the House at the conference.

MISBRANDING AND ADVERTISING OF TEXTILE FIBER PRODUCTS

The Senate resumed the consideration of the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I understand that the Senator

from South Carolina [Mr. THURMOND] has a statement to make on the bill.

Mr. THURMOND. Mr. President, I have an amendment to the bill which I had intended to call up. However, instead, I should like to call up the amendment offered by the Senator from New Hampshire [Mr. BRIDGES] on behalf of himself and the Senator from New Hampshire [Mr. COTTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from Pennsylvania [Mr. MARTIN]. I ask unanimous consent that I may be made a cosponsor of the amendment. I shall then not offer my amendment. The chairman of the committee has accepted the Bridges amendment.

The PRESIDING OFFICER. Action must first be taken on the committee amendments.

Mr. GORE. Mr. President, what is the request?

The PRESIDING OFFICER. The committee amendments must first be disposed of. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. THURMOND. Mr. President, I ask that the amendment offered by the Senator from New Hampshire [Mr. BRIDGES] on behalf of himself and other Senators, be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, it is proposed to strike out lines 19 and 20 and insert in lieu thereof the following:

(6) backings of, and padding or cushions to be used under, floor coverings.

Mr. THURMOND. I understand the chairman of the committee is willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. GORE. I understand the amendment was offered originally by the Senator from New Hampshire, and that the Senator from South Carolina now wishes to be made a cosponsor of it.

Mr. THURMOND. Yes. I shall not offer my own amendment. The pending amendment covers the same subject.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACHMENT AND GARNISHMENT OF WAGES, SALARIES, AND COMMISSIONS OF JUDGMENT DEBTORS

Mr. MORSE. Mr. President, I ask unanimous consent that the unfinished

business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar 2296, S. 1913.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1913) to amend the code of law for the District of Columbia by modifying the provisions relating to the attachment and garnishment of wages, salaries, and commissions of judgment debtors, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause, and insert:

That the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is amended by inserting after section 1104 thereof a new section as follows:

"Sec. 1104A. Attachment of wages: (a) Notwithstanding any other provision of this chapter, where an attachment is levied upon wages due a judgment debtor from an employer garnishee, such attachment shall become a lien and a continuing levy upon the gross wages due or to become due to the judgment debtor for the amount specified in the attachment to the extent of (1) 10 percent of so much of the gross wages as does not exceed \$500 due or to become due to the judgment debtor from the employer garnishee for the pay period or periods ending in any calendar month, plus (2) 50 percent of so much of the gross wages as exceeds \$500 due or to become due to the judgment debtor from the employer garnishee for the pay period or periods ending in any calendar month. Such levy shall be a continuing levy until the judgment, interest, and costs thereof are fully satisfied and paid, but in no event shall the payments in satisfaction of such execution reduce the amount payable to the judgment debtor to less than \$50 per week and in no event shall moneys be withheld, by the employer garnishee from the judgment debtor, in amounts greater than those prescribed by this section. Only one attachment upon the wages of a judgment debtor shall be satisfied at one time. Where more than one attachment is issued upon the wages of the same judgment debtor and served upon the same employer garnishee, the attachment first delivered to the marshal shall have priority, and all subsequent attachments shall be satisfied in the order of priority set forth in section 452 of this act.

"(b) It shall be the duty and responsibility of any employer upon whom an attachment is served, and who at such time is indebted for wages to an employee who is the judgment debtor named in such attachment, or who becomes so indebted to such judgment debtor in the future and while such attachment remains a lien upon such indebtedness, to withhold and pay over to the judgment creditor, or his legal representative, within 15 days after the close of the last pay period of the judgment debtor ending in each calendar month, that percentage of the gross wages payable to the judgment debtor for the pay period or periods ending in such calendar month to which the judgment creditor is entitled under the terms of this section until such attachment is wholly satisfied. Any payments made by an employer-garnishee in conformity with this subsection shall be a discharge of the liability of the employer to the judgment debtor to the extent of such

payments. Not more than 10 percent of the gross wages payable to the judgment debtor for any pay period ending in any calendar month shall be withheld and paid over by the employer-garnishee under this subsection until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals \$500.

"(c) It shall be the duty and responsibility of the judgment creditor (1) to file with the clerk of the court, every 3 months after the serving of an attachment, a receipt showing the amount received and the balance due under the attachment as of the date of filing, and (2) to file a final accounting with the court and to obtain a vacation of the attachment within 20 days after the attachment has been satisfied. If the judgment creditor fails to file any of the receipts or the final accounting prescribed in this subsection, any interested party may move the court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith. The court may, in its discretion, enter judgment for any damages suffered by, and tax costs in favor of, the party filing the motion to compel the accounting.

"(d) If the employer-garnishee willfully fails to pay to the judgment creditor the percentage prescribed in this section of the wages which become payable to the judgment debtor for any pay period, judgment shall be entered against him for the whole amount of the judgment creditor's judgment and costs, and execution shall be had thereon, except that in no event shall judgment be entered against the employer-garnishee in an amount greater than the gross wages which became payable to the judgment debtor for the pay period or periods with respect to which the employer-garnishee willfully failed to pay to the judgment creditor the percentage prescribed in this section. If the employer-garnishee fails, but not willfully, to pay to the judgment creditor the percentage prescribed in this section of the wages which become payable to the judgment debtor for any pay period, judgment shall be entered against him for an amount equal to the percentage with respect to which such failure occurs. The judgment debtor shall not be liable to the employer-garnishee for any amount for which judgment is entered against the employer-garnishee under this subsection.

"(e) If a judgment debtor resigns or is dismissed from his employment while an attachment upon his wages is wholly or partly unsatisfied, and he is subsequently reinstated or reemployed by the same employer, such attachment shall lapse and no further deduction shall be made thereon unless such reinstatement or reemployment occurs within 90 days after such resignation or dismissal.

"(f) For purposes of this section, the term 'wages' means—

"(1) wages, salary, commissions, or other remuneration for services performed by an employee for his employer, including any such remuneration measured partly or wholly by percentages or share of profits, or by other sums based upon work done or results produced, whether or not the employee is given a drawing account, and

"(2) any drawing account made available to an employee by his employer.

Such term does not include any amount paid or payable to an employee who is not a resident of the District of Columbia as remuneration for services performed within the District of Columbia, if the period for which the employee is engaged by the employer to perform such services within the District of Columbia is less than 15 consecutive days duration; and any such amount shall be subject to attachment without regard to this section.

"(g) The percent limitations prescribed by Subsection (a) of this section shall not

apply in the case of execution upon a judgment, order, or decree of any court of the District of Columbia for the payment of any sum for the support or maintenance of a person's wife, or former wife, or children, and any such execution, judgment, order, or decree shall, in the discretion of the court, have priority over any other execution which is subject to the provisions of this section.

"(h) No attachment issued by the municipal court for the District of Columbia upon a judgment of such court duly docketed in the United States District Court for the District of Columbia, and levied within 6 years from the date of such judgment upon the wages due or to become due to the judgment debtor from the employer-garnishee, shall lapse or become invalid prior to complete satisfaction solely by reason of the expiration of the period of limitation set forth in section 4 (c) of the act of April 1, 1942 (56 Stat. 193; D. C. Code 11-755)."

SEC. 2. Subsection (b) of section 1089 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code 15-304), is amended by adding at the end thereof the following: "This subsection shall not apply with respect to an attachment upon wages to which section 1104A of this act applies."

SEC. 3. Section 1093 of such act, as amended (D. C. Code 15-312), is amended by striking out "If" and inserting in lieu thereof "Subject to the provisions of section 1104A of this act, it."

SEC. 4. Section 1107 of such act, as amended (D. C. Code 15-403), is amended—

(a) by striking out "earnings, salary" each place it appears in subsection (a) and (b) and inserting in lieu thereof "earnings (other than wages, as defined in section 1104A)"; and

(b) by striking out "salaries," in the proviso in subsection (a).

SEC. 5. (a) Section 455 of such act, as amended (D. C. Code 16-312), is amended by adding at the end thereof a new subsection as follows:

"(c) In any case in which the cause of action arises in the District of Columbia or in which judgment is sought in the District of Columbia on a judgment secured outside of the District of Columbia, an attachment which is issued under section 445 of this act solely on the ground that the defendant is not a resident of the District, and which is levied upon the wages (as defined in section 1104A (f)) due or to become due to the defendant from his employer, shall be subject to the provisions of section 1104A of this act, except that the employer-garnishee shall pay over the wages withheld pursuant to such section only pursuant to the order of the court which has jurisdiction of the case. In applying the provisions of such section to any such attachment, the term 'judgment debtor' as used in such section shall be considered to refer to the defendant in the case in which such attachment is issued; and the term 'judgment creditor' shall be considered to refer to the plaintiff in such case."

(b) Subsection (b) of such section 456 is amended by striking out "wages" and inserting in lieu thereof "earnings."

SEC. 6. The amendments made by this act shall apply only with respect to attachments upon wages (as defined in section 1104A (f) of this act) which are issued on or after 60 days from the date of the enactment of this act.

Mr. MORSE. Mr. President, the purpose of this bill is to completely put into effect within the District of Columbia a garnishment statute which will be workable, and not only fair to creditors, but equitable to debtors and employers. The passage of this bill will also be beneficial

to the local courts in that it will reduce the workload that the courts presently endure as a result of the existing garnishment procedure.

The bill provides a 10 percent continuing lien and levy on wages, payable monthly by the employer to the creditor until the judgment is satisfied except that \$50 of each employee's paycheck (per week) is exempt from garnishment and that all of an employee's gross wages over \$500 per month are subject to an added 50 percent lien to be paid over as above. Only 1 attachment will be satisfied at 1 time, and any other attachments will take precedence in the order in which they were chronologically given to the United States marshal.

The bill puts certain responsibilities on all parties involved in a garnishment action and would, in the event the attachment is against a nonresident, treat such nonresident in the same manner as a resident upon proper adjudication by a local court of competent jurisdiction.

Mr. President, the report is unanimous. The bill is recommended by the District of Columbia officials.

There is a committee amendment, which has been stated and I ask to have action taken on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

The Senate resumed the consideration of the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

Mr. MAGNUSON. Mr. President, textile fiber labeling has been the subject of much attention by Congress for some time. At the time of the passage of the Wool Labeling Act, which was an act for the protection of consumers, a suggestion was made that Congress should go further and require the labeling, for consumer protection, of all textile fibers. At that time it was deemed not advisable to do so.

The Wool Labeling Act has now been in effect for a number of years and has been very successful. The Federal Trade Commission tells us that it gives the public useful knowledge concerning all types of wool products.

In the House of Representatives, Representative SMITH of Mississippi, and other Representatives, after having observed the experience with the Wool Labeling Act, introduced a bill for the labeling of other fibers. Lengthy hearings were held on that bill.

The bill came to the Senate early in this session. At that time I told the proponents of the bill that I would be glad to hold hearings on the matter. That was done. They were lengthy hearings. All segments of the textile industry testified. I think that in 3 or 4

days, 70 or 80 witnesses were heard. I believe everyone agreed to the fundamental objectives of the bill, namely, that there should be consumer protection in the matter of the purchasing of textile fibers.

However, some amendment to the proposal was needed. Everyone wanted to "get out from under." Some of the requests were justifiable. In this day and age cotton and other natural fibers are in competition with synthetic fibers, so it was necessary to provide suitable labeling for all fibers.

One witness who came before the committee held up 2 cotton dresses. Both had been washed. One of them proved to be all right. But no self-respecting woman would have wanted to be caught dead in the other. That gives some insight into the problem which we faced.

The manufacturers of the synthetics such as nylon and dacron, asked for special consideration. They had no objection to the purpose of the bill at all, but they were concerned about what might happen in the development of new fibers.

Then there was a question about how to label material which was made of 40 percent cotton and 60 percent dacron, or some other synthetic material. Some persons might have thought it was a good fiber, but when it came out of the laboratory it might be found that the percentage relationship was not quite exact.

There was much discussion about the bill and the amendment. The manufacturers of carpet undercovering wanted an exemption, because they said it did not make any difference what was put under a carpet so long as it wore well. They said there was no need to label that material.

The manufacturers of furniture covering material testified that the average housewife who buys furniture is not concerned with the material in the covering; she is more concerned with the quality of the frame; if the color of the cloth is lasting and wears well, it is a satisfactory material; that it is not what the material is made of which concerns her. The point was that an expensive brocade or silk would not be so valuable to a housewife who was purchasing furniture as material which was cheaper, would hold its color, and would wear well.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. GORE. Does the bill, in general, apply to textile products, such as cotton and synthetics, regulations similar to those contained in the Wool Labeling Act?

Mr. MAGNUSON. Yes, it does. The Wool Labeling Act, as I have pointed out, has been very successful in its operation. I do not think any Members of Congress would suggest repealing or making a basic change in the Wool Labeling Act.

Mr. GORE. Was it not the Wool Labeling Act, as administered by the Federal Trade Commission, which got the renowned Mr. Goldfine into some difficulty?

Mr. MAGNUSON. I am not familiar with that.

Mr. GORE. At least, according to the newspaper reports.

Mr. MAGNUSON. Yes, according to the newspaper reports. But he was not a witness at our hearings; I suppose he was busy somewhere else at the time.

Mr. GORE. The bill requires proper labeling as a protection for the consuming public, does it not?

Mr. MAGNUSON. That is its general objective, yes.

Mr. GORE. The bill gives enforcement power and investigatory power to the Federal Trade Commission, the same as does the Wool Act, does it not?

Mr. MAGNUSON. That is correct.

Mr. GORE. It follows, in general, the fair labeling provisions of the Wool Labeling Act, does it not?

Mr. MAGNUSON. That is correct.

Then the Senator from Washington, the Senator from Wisconsin, and Senators from some of the other States, where there reside many persons who raise fur-bearing animals, wanted some change made in the act to protect that industry. Advertisements were shown to us which used the genetic name of an animal, and it was desired to protect the buyer in that respect. Even the drug manufacturers showed up. They wanted to know whether it would be necessary to label bandages by showing the content of cotton and other fabrics in them.

I think we have taken care of the legitimate exemptions for products which need not be labeled. The general purpose of the bill is good. Both the Senate and House committees held lengthy hearings on the bill. The bill covers a wide and complex field, and if there is something which has not been taken care of, surely Congress will be ready to make further examination, in the light of experience with the bill and of suggestions which may be made by the public.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. DOUGLAS. First, I think this is, in general, an excellent bill. The Committee on Interstate and Foreign Commerce deserves great credit for having it reported to the Senate. The consumer is entitled to know the quality and contents of what he is purchasing.

However, I believe that one part of the bill deserves some attention; I refer to section 4 (b), paragraph 4, on page 8. As I understand it, it provides:

4. If it is an imported textile fiber product the name of the country where processed or manufactured.

Do I correctly understand this provision to mean that if it is a piece of cotton goods made in Japan, it will have to be marked so as to show that the goods were fabricated in Japan?

Mr. MAGNUSON. No. The committee received much testimony on that point. The State Department objected to that. In the case of a shirt, for which the goods themselves were made in Japan, it would not be required to mark the shirt "Made in Japan."

On the other hand, a box made in Japan, and shipped into the United States, would have to be stamped "Made in Japan," but that would not be true of an individual garment.

Mr. DOUGLAS. Suppose a bolt of cloth were made in Japan, and suppose some article were made from that bolt of cloth. Would a label "Made in Japan" have to be affixed to the bolt?

Mr. MAGNUSON. No.

Mr. DOUGLAS. Is the Senator from Washington sure of that?

Mr. MAGNUSON. To what page is the Senator from Illinois referring?

Mr. DOUGLAS. Page 7, where we find the following:

(b) Except as otherwise provided in this act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor, authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following:

Thereafter, on pages 7 and 8, we find a list of requirements. The fourth requirement—on page 8—is as follows:

4. If it is an imported textile fiber product the name of the country where processed or manufactured.

That would seem to indicate that German or Japanese or other imported manufactured textiles would have to be clearly branded.

Mr. MAGNUSON. No, they would not have to be. They would have to be branded only when they came in—in other words, not in the case of a bolt of goods; such information would not have to be stamped on the bolt.

Mr. DOUGLAS. But would not a tag have to be attached to the article at that time?

Mr. MAGNUSON. No. We tried to make that clear in the report. The purpose is merely to show the general source or origin—in other words, to state where they were made. But in the case of articles imported in bulk, the customs regulations provide for that, anyway.

Let me state, as chairman of the committee—and I state this for the benefit of the Federal Trade Commission—that it is not intended by this language to have the Federal Trade Commission require, in the case of a bolt of goods or textiles imported from Japan, that every item be stamped or labeled "Made in Japan."

Mr. DOUGLAS. But the statement of intent by the chairman of the committee seems—on a superficial reading—to be contrary to the purpose of the bill which we are asked to pass.

Mr. MAGNUSON. No, because here we are saying:

If it is an imported textile fiber product the name of the country where processed or manufactured.

We are discussing how far to break down that requirement. We intend only that if a big crate containing bolts of goods is imported, the crate be stamped on the outside "Made in Japan."

Mr. DOUGLAS. Does the same interpretation apply to the other requirements, as set forth in the subparagraphs

of this section? If so, there will not be much consumer protection.

Mr. MAGNUSON. No, it does not, because in other cases it is required that a stamp or label be affixed to the articles to be displayed in the retail stores. The manufacturer must do that—on the invoice, and in other places.

Mr. DOUGLAS. Is there any specific exemption regarding affixing retail stamps or labels in the case of textile products which are imported?

Mr. MAGNUSON. No; there is no specific exemption, except that the products which are imported are largely made up in the United States. In other words, most of the textiles which come from Japan and are imported into the United States are imported in the form of bolts of goods, and in the United States are made up into shirts, for instance.

Mr. DOUGLAS. Suppose a shirt were imported from Japan. Would a label have to be placed on it?

Mr. MAGNUSON. No, not when the shirt was made up in the United States.

Mr. DOUGLAS. But suppose the shirt were made in Japan and were imported from Japan. Would a label "Made in Japan" have to be attached to the shirt?

Mr. MAGNUSON. I would not think so, if the shirts were imported in bulk.

Mr. DOUGLAS. This is an extremely important point. As all of us know, in many sections of the country there is a good deal of prejudice against the use of foreign goods. That sentiment could lend itself very readily to a boycott of foreign goods, if retail labeling were required.

Mr. MAGNUSON. There would not be any retail labeling.

My understanding of this matter is as follows: If a product made in a foreign country is imported, for sale, it must be stamped—under the requirements of customs law—"Made in Czechoslovakia" or "Made in England" or "Made in France," as the case may be.

Mr. DOUGLAS. On the crate?

Mr. MAGNUSON. Yes, and sometimes on the base—for instance, in the case of figurines.

But all that is required by this measure—and the same is required by customs—is that the crate of bolts of fiber or cloth which is imported from Japan be stamped "Made in Japan." Then the cloth is sent to one of our mills, and is made into shirts. The requirement is that then there be attached to each shirt a tag which states that the shirt contains a certain percentage of cotton.

Mr. DOUGLAS. But there is no requirement that the tag state that the cotton in the shirt was fabricated in Japan?

Mr. MAGNUSON. No; the words "fabricated in Japan" would not have to be on the tag.

Mr. GOLDWATER. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Does the Senator from Washington yield to the Senator from Arizona?

Mr. MAGNUSON. I yield.

Mr. GOLDWATER. I have asked the Senator from Washington to yield to me, because I believe I may be able to clarify the question which is in the mind of the Senator from Illinois.

I have had some experience in the field of importing fabrics and other articles manufactured in foreign countries. Very few foreign countries require by law, as we do, that the manufacturer and the retailer observe the labeling requirements upon which we insist. For instance, if one of us were to purchase neckties in Italy, we know the neckties are made, very generally, of silk, although we know they have some cotton content, and possibly some acetate fiber content. But since those countries do not have such laws, I do not see how the United States could require them to label the goods as completely as we require in the case of products of the United States.

I believe that will be to our advantage. I know that many of my customers ask about the fiber content of goods purchased overseas; and I am unable to answer their question, except to say, "It is silk," or "cotton" or "acetate." So it would be an impossibility for the United States to dictate to the other countries how they shall handle the labeling.

I believe that will answer the question which has been asked.

Mr. MAGNUSON. Yes.

Furthermore, I think the Senator from Arizona—based upon his vast business experience—would say that the real problem exists in the case of textiles imported, and subsequently manufactured in the United States.

Mr. GOLDWATER. I understand the point the Senator from Illinois has in mind, because today many shirts are made in Japan or Puerto Rico, and then are imported into the United States. More and more inexpensive men's and women's sportswear is being manufactured in Japan, Puerto Rico, Italy, or France, and is being imported; and the manufacturers do not have to attach labels, nor will they attach labels, which will show the fiber content.

Under those circumstances, all that the retailer can say is, "It is silk," whereas in the case of such articles manufactured in the United States, the exact fiber content must be shown on the label.

Mr. MAGNUSON. Furthermore, it would be difficult to determine the contents, except by having the goods analyzed by a laboratory.

Mr. JORDAN. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER (Mr. BIBLE in the chair). Does the Senator from Washington yield to the Senator from North Carolina?

Mr. MAGNUSON. I yield.

Mr. JORDAN. It seems to me that is exactly what the United States manufacturers are being asked to do—and it is something that the importers are not being asked to do. The bill provides that American manufacturers shall place such a label on every pair of socks, every shirt, every blouse, every sports jacket; every textile product that is displayed on the counters, for sale.

But the Senator has said that such an article—for instance, a shirt—can be imported from Japan, Germany, or elsewhere, under a low tariff, and after having been manufactured in a plant where the workers have been paid low wages—and then can flood our markets, and that there will not be a requirement that the customers be told what it is, except that it is a shirt.

On the other hand, the American manufacturer would be required to attach a label which would give all the information to which Senators have referred—and that would be done at tremendous expense—which is not what the bill is intended to do.

Mr. MAGNUSON. I appreciate what the Senator from North Carolina has said. I hope he does not say I am doing what he questions. I want my position clear.

Mr. JORDAN. I certainly am not. I want to be fair to the American manufacturer.

Mr. MAGNUSON. Many persons are opposed to the bill, which is very complex. The Federal Trade Commission will have to make a lot of rules, and perhaps change many of its rules. Representatives of the Dan River Mills came before the committee. They sell to country stores, in bulk, all kinds of goods of different texture and color, for example, calico goods. The material is sold in one large bundle. The representatives of the company said obviously they could not check each piece of material and put a label on it. So the testimony indicated that in such a case it would be well merely to have the bulk itself labeled "assorted cotton goods."

Mr. JORDAN. The trouble about that is that a woman does not go into a country store to buy a bale of cloth. She buys a piece of cloth for a dress. I know the head of the Dan River Mills very well, and that what he was talking about was that a piece of cloth does not always come out the same length. There may be 3 or 4 or 6 or 7 yards left over. That material goes into what they call mill ends, or remnants, which are sold for whatever can be obtained. Under the bill, the mill would have to label every piece.

Mr. MAGNUSON. No.

Mr. JORDAN. I think he would.

Mr. MAGNUSON. No, he would not.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. Let me finish my general statement. Then I shall yield the floor.

As I have stated, this is a complex piece of legislation, involving all kinds of problems. We left some discretion in the Federal Trade Commission. I am sure the commission will have to make some rules, and revise others, and revise in the light of experience. There probably were many problems involved that could not be solved by writing provisions in the bill.

Again I say the overall objective is one of considerable benefit to the consumer. We tried to follow as nearly as possible the Wool Labeling Act. I see the able Senator from Rhode Island [Mr. PASTORE] is on his feet. Because of the

problems involved in the textile industry, a resolution was adopted expressing the hope that a study—not an investigation—could be made of the whole problem of textile manufacture, including the shifting of the industry out of New England States, problems of imports, and the inability last year to get the type of cotton the manufacturers wanted.

Our committee is now undertaking that study, under the able chairmanship of the distinguished Senator from Rhode Island, which would involve many of the problems raised in connection with the bill.

I have no feeling one way or the other about it, but it is my personal opinion that the whole matter, and the problems involved therein, should be studied. I think the bill is a good bill. If it is amended too much, I suppose the effect will be to kill it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. PASTORE. I certainly, by nature and background, would not be opposed to anything which is in the interest of protecting the consuming public. I think my record in the Senate and in public life indicates that pretty well.

If the ultimate and sole purpose of this proposed legislation is to protect the consuming public, which in turn will result in a little added cost, perhaps the advantage which will result from the legislation will outweigh the little added cost.

I think it is fair for me to say—and I think the members of my subcommittee will bear me out—that when we held hearings on July 8, 9, and 10, and representatives of the textile industry appeared before the committee, the disapproval of this proposed legislation was quite universal. They all felt we were getting into something that would not be properly understood. The bill was far reaching. It involved the question of imports, and exports as well. The question was raised as to how far we should go in the matter of labeling as it affected an already declining textile industry.

My position in this matter is precisely this, with the indulgence and forbearance of the distinguished chairman of our committee: The merits of the bill should be thoroughly investigated. There are merits in it. The purpose is to protect the public against deception, and we ought to do that. If it resulted in raising the cost of a shirt by 1 penny I think it would be wise to spend 1 more penny for a shirt, rather than pay 1 cent less and have a shirt which could not be worn after the first washing.

In view of the fact that a panoramic investigation has been ordered, I think it would be best to refer this matter to the committee with the admonition and direction that it learn a little more about the ramifications and implications involved, and come back with a sound answer.

I know the cotton growers want to sell more cotton, but I think it should be realized that the cotton manufacturer has to process the cotton which will ultimately go to the wearer of the clothing

manufactured from the cotton. If we are going to do something to injure the textile industry, I do not know how the cotton producer can say it will help him.

Regardless of the views of the cotton producers and mill operators, if the proposal is for the public interest, and is necessary, by all means we should pass the bill. However, there are many implications involved in the bill. I have been presented with two amendments on behalf of the distinguished Senator from Georgia. I understand there are a half dozen amendments ready to be offered. That goes to prove how complicated and complex this whole subject is.

I say it is the better part of wisdom, especially in the twilight of this session, to refer the bill to committee. When a report is made, the committee can have a comprehensive report, and if what is here proposed should be done, the committee will so report. If we are going to kill the goose that lays the golden egg, then we may be killing the egg, too.

Several Senators addressed the Chair.

Mr. PASTORE. I do not have the floor. The Senator from Washington has the floor.

Mr. MAGNUSON. I wish to make a few more statements. Then I shall take my seat.

The Senator from Michigan has individual views to present on the matter. I know he will make them known.

It will be found from the committee report that practically every department in Government sent a letter to the committee. I think the committee received more replies from the departments on this bill than on any other.

I, myself, personally would vote for the bill. I think it is a good bill. I think we have made about as many changes as seem to be necessary at the time.

The hearings comprise something over 300 pages of testimony, to which Senators have access. Sixty or seventy witnesses were heard. Most of them merely asked for an exemption from the provisions of the bill. In most cases where they were exempt, there was good reason for it. Representatives of thread manufacturers which are located in the State of the Senator from North Carolina—

Mr. JORDAN. It is all made down there.

Mr. MAGNUSON. On good brand-name men's socks, for example, one will always find labels at the heel reading "Half cotton" or "Half wool" or "Half nylon," or something like that.

We made all the amendments we thought were justifiable. We covered every phase of the problem. I am sure this is complex enough so that there will have to be a great many regulations.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MAGNUSON. I am willing to yield the floor.

Mr. GORE. I should like to ask the Senator a question.

Mr. MAGNUSON. I yield to the Senator from Tennessee.

Mr. GORE. I notice that accompanying the committee report there are only the individual views of the junior Senator from Michigan. Does that in-

dicate that the committee action was unanimous, except for one Senator?

Mr. MAGNUSON. No. There was no formal vote in the committee. The majority voted to report the bill. The Senator from Michigan had some individual views. The report was left open for other Senators. We held the report for several days so that everyone could have a say. Apparently the Senator from Michigan was the only Senator to express his views.

Mr. GORE. But the committee did act, after hearing a sufficient number of witnesses to make a record of 300 pages of testimony.

Mr. MAGNUSON. The Senator is correct.

I yield the floor.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I am glad to yield for a question.

Mr. JAVITS. I invite the attention of the Senator to page 7, lines 16 and 17 of the bill:

the use of a nondeceptive trademark in conjunction with a designated generic name:

Mr. MAGNUSON. Yes.

Mr. JAVITS. I should like to ask a question. Does that language mean if one designates a part of the contents as being, let us say, dacron, one would have to describe it by some generic chemical name as well? Exactly what does the language mean?

Mr. MAGNUSON. To what page does the Senator refer?

Mr. JAVITS. To page 7, lines 16 and 17. The reference is to the fact that a textile fiber shall be described by its generic name. It is stated that one can use a nondeceptive trademark in conjunction with a designated generic name.

Mr. MAGNUSON. That language will mean whatever the Federal Trade Commission will say it means. The Federal Trade Commission now has regulations under its general authority with regard to false advertising or misleading advertising. There is a long list now. The language will mean whatever the Federal Trade Commission will determine.

Mr. JAVITS. I should like to ask the Senator another question. I have had tremendous objection to the bill expressed by all the small manufacturers in New York. I should like to ask the Senator why it was not thought best to leave the entire question to regulation to the Federal Trade Commission, to give the Commission the authority, instead of writing specifics in a law, which is bound to get us into difficulty. I am all for the consumer. I have showed that by 100 votes, at least. This language worries me, and I think the manufacturers have a point.

Mr. MAGNUSON. The small manufacturers from New York testified. Some of the manufacturers, particularly those in the garment industry, had objection.

Mr. JAVITS. That is correct.

Mr. MAGNUSON. Those manufacturers have an association.

Mr. JAVITS. They sell popular-priced dresses.

Mr. MAGNUSON. Yes. Those manufacturers testified. The committee felt there would not be a particular hardship, because in most cases the manufacturers who are good, reliable manufacturers follow this procedure anyway. There would not be a particular hardship. I think the objection expressed the most was the bother and fuss of the matter. It was not an objection about the goods being something they were not, but the objection was that the process would be a bother. Pretty nearly all of this matter will be left up to the Federal Trade Commission. We did have that problem.

If the Senator will look at the report, he will find on page 7 we expressed the belief that we thought we should protect the fur people against use of a generic name of a fur-bearing animal. That was made specific.

Much of the regulation will be in the body of regulations by the Federal Trade Commission.

Mr. JAVITS. I will say to the Senator from Washington that what the dress people say is that one does not tell a person anything by giving this kind of label, when one considers a 5 percent provision. If one says color fast or nonshrinkable, or uses some broad classification like 50 percent wool and 50 percent cotton, one is stating something of value. However, if one gives the generic name for every part of the content over 5 percent, the manufacturers do not think it will do anything but confuse the consumers.

Mr. MAGNUSON. There was testimony to the effect that what the Senator says is what the manufacturers thought. As I pointed out earlier, there are many new products which are coming on the market today, manmade fibers with new and different names. I suppose some perfectly naive shopper, such as the Members of the Senate, clotheswise, might find that the word "dacron" meant something to them because we have heard that name so long. We might want to buy a lightweight suit. Dacron may not mean what people believe it means. Perhaps some other name will show up for a better material, but we might buy it because we were familiar with the term. A man is a notoriously poor shopper, anyway. A man probably would not look at the label.

Mr. JAVITS. Sometimes we break the consumer's back by trying to protect him too much. That was the argument which was made.

Mr. MAGNUSON. There will be some little expense involved, but most manufacturers put labels on the garments anyway. All the good manufacturers of textiles in this country, whether of men's clothing, women's clothing, covering, or whatever else it is, do that. The manufacturers are proud to put on a statement as to content of the material. The manufacturers think that makes the goods more salable. Those who do not label things are those who protest and say it would cost them a little more. I do not think the cost is going to be too great. We had some testimony to the effect that the cost

would be a fraction of 1 percent for what would have to be done.

Mr. JAVITS. Including the defense of actions by the Federal Trade Commission?

Mr. MAGNUSON. Of course, we have to rely upon the Federal Trade Commission to use good judgment. The Federal Trade Commission has not always done so. We have had to jump on the Commission, or to repeal a law, or to suggest a change, at times. I believe the Federal Trade Commission will proceed very slowly with this matter. I think if any manufacturer could show that such a label was not really necessary, that it did not mean much to the housewife to know exactly what was in the material, as to the fiber content of the textile, the Federal Trade Commission would say, "All right."

Mr. JAVITS. The chairman of the committee must know that the Federal Trade Commission cannot do that. The bill has the Federal Trade Commission tied down with respect to 5 percent or more of the content, and the label must be put on, exactly in the manner the bill states. There is no discretion.

Mr. MAGNUSON. If the Senator from New York will look at page 19 of the bill—

Mr. JAVITS. I am glad to.

Mr. MAGNUSON. In line 14, subsection (b), we specifically insert this language:

The Commission may exclude from the provisions of this act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

Mr. JAVITS. Knowing the Federal Trade Commission as I do, I do not think it will do so.

Mr. MAGNUSON. The Federal Trade Commission can do practically what it wants to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and, if so, to whom?

Mr. MAGNUSON. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I think the best evidence in this regard is an editorial column from the Women's Wear Daily, written by the highly respected and long-time columnist, Dorothy L. Wallis, under date of May 27, 1958. Dorothy Wallis is not an idle dreamer or a "dogooder," but a lady who writes for what is probably the most respected trade magazine in the business.

Mr. STENNIS. Mr. President, may we have order so that the Senator can be heard?

The PRESIDING OFFICER. The Senator will be in order.

The Senator from Oklahoma may proceed.

Mr. MONRONEY. The title of the editorial is "What's in It?" and it reads:

May a consumer have an opinion? Amid current hullabaloo on the subject of compulsory fabric fiber labeling, has it not occurred to some of the disputants that in many cases the consumer wants to know?

The pros and the cons battle, scourging each other with selfish interests, high-powered promotion, protection of the cus-

tomers, and other robust terms. "The textile industry is not misrepresenting its products," insists a spokesman in a lately published letter to the New York Times. Hardship, high costs, hitting an industry when it's down are all bandied about freely. "We tell the consumer what she needs to know," insists one faction. "She's more interested in durability, shrinkage, colorfastness, and service."

The columnist then says, after quoting these charges:

Well, here's one consumer who wants to know all that, and still wants to know what fibers go into the materials she buys. I'm no textile technician, but I'd like respect for the small knowledge I have, when it comes to materials with which I've had, or am going to have, experience.

I'm able to learn what specific fur I'm buying. And incidentally, from what country in the world it comes, another controversial aspect of the textile labeling bill, as it's being juggled about in House and Senate. Perhaps the bill is, as argued by some antagonists, a propaganda effort on the part of cotton growers. Certainly parts of the fur industry fought their bill before it finally became law. Presumably, nobody's yet gone out of the fur business simply by reason of having to identify his goods. The same situation may well continue in the textile fields. And here's one consumer who will be happier and more satisfied—if anybody in textiles cares.

This lady certainly knows the textile industry, forward and backward. She is writing in the trade magazine of that industry. She feels that the bill would protect the consumer. The bill is perfectly workable. It would work like the Fur Labeling Act and the Wool Labeling Act.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. JAVITS. I believe the Senator read that article in response to my expression. I happen to come from that particular town.

I do not believe that anyone would disagree with the lady—not the Senator from Rhode Island [Mr. PASTORE], if I may be so bold as to speak for him, or myself, or any other Senator. The thing that worries us is the question whether the bill is written with sufficient particularity or whether it is written in generic terms which would favor widely advertised fibers, so as to cause the bill to operate against the best interests of the consumer.

I am delighted to see such a bill. I am worried lest it may fall down because of the great desire for particularity, so as to hamper its effectiveness with the consumer. I think that was the argument of the Senator from Rhode Island. I do not express opposition to the bill. I am merely seeking information.

Mr. MONRONEY. The same industry confusion existed when the wool labeling bill was under consideration. Everyone who challenged it said that it could not possibly work. Yet it has worked very smoothly and practically, and the consumer has been insured against fraudulent labeling, whether the fiber involved be animal fiber or vegetable fiber, or whether it be natural or artificial fiber.

Perhaps the bill is not perfect. Most of the work will be done under the broad general specifications in the bill. The

committee has worked hard to pick out all the bugs possible, so as to make the bill as nearly foolproof as it could.

The distinguished Senator from North Carolina raised a question with respect to bags of remnants. That subject was considered specifically before our committee. All a manufacturer has to do with respect to the grab-bag of remnants is to state the percentage, by weight, of the various fibers in the entire bag of remnants.

The manufacturers were told that by the committee; yet, they come forward with the old objection. They say the bill will not work. They ask, "What are we going to do about mill ends?" That subject was taken care of in the committee, and they know it.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment—

The PRESIDING OFFICER. There is an amendment already pending.

Mr. STENNIS. Mr. President, does the Senator from Wisconsin yield the floor?

Mr. PROXMIRE. I yield the floor.

Mr. MAGNUSON. Mr. President, we may as well dispose of this question. The Senator from Wisconsin has an amendment in which I am happy to join. I should like to accept it. It involves a change in the wording so as to accomplish more completely what the bill does, in part. It is thought that that amendment might make the situation clearer, by forbidding the use of the generic term in advertising, when it relates to natural fur, such as mink, or whatever other fur might be involved. That is all the amendment does.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BUSH. Does the Senator say that the amendment would forbid the use of the generic term?

Mr. PROXMIRE. Mr. President, on page 10, line 20, the amendment would delete 6 words, namely, "or any term identified with furs." In other words, it would confine the provision to fur, rather than apply the broader term.

Mr. MAGNUSON. Mr. President, is there another amendment pending?

The PRESIDING OFFICER. There is another amendment pending.

Mr. PROXMIRE. Mr. President, I shall offer my amendment later.

Mr. STENNIS. Mr. President, I do not have an amendment to offer. I merely wish to address the Senate quite briefly on the broad outlines and the merits of the bill.

The practical effect of this measure would be, undoubtedly, in my opinion, to afford a needed protection to the consumer. The bill is not a restriction of any kind on any form of fabric, whether synthetic or otherwise. It goes to the very heart of the consumer's problem, in this technical age, of knowing exactly what he is buying in the field of textiles. Today that is impossible at any store counter in any store anywhere in the United States, so far as this kind of textiles is concerned.

The same situation does not prevail as to wool. There is a Wool Labeling Act, which operates to the benefit of the

general public, without imposing any great burden upon the textile manufacturers. This bill is bottomed on the identical principle, of trying to protect the consumer. Naturally, when we do that, we encounter some technical problems, some complications, and some burdens of some kind along the way.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield briefly.

Mr. BUTLER. Does not the Senator believe that reused stuffing should be clearly marked, under the terms of the bill?

Mr. STENNIS. I believe so.

Mr. BUTLER. I have an amendment to that effect.

Mr. STENNIS. That is one of the points involved in the bill, as I understand.

If I may continue my general discussion, I wish to emphasize that the bill in no way attacks any other kind of textiles, synthetic or otherwise. Both kinds are manufactured in Mississippi—both synthetic textiles and cotton textiles. The effect of the bill is merely to bring everything out in the open, and let each kind of textile carry its own freight and its own passport, which can be read by anyone.

We are talking about a practical matter. I have just pulled the label off a suit of clothes which I bought the other day, manufactured by Haspel, of New Orleans. It is made from one of the better wash-and-wear fabrics. Even before the advent of wash-and-wear fabrics, this concern manufactured a better grade men's summer clothes.

These fabrics are made in New Orleans; and some of the better factories of this company are in Mississippi. The label reads "dacron-cotton." The manufacturer is a high class concern. It places upon the label the fabric content. It does not show what percentage of each fabric is in the textile. However, it would not place much of a burden on the manufacturer to say how much dacron and how much cotton are in the fabric, by percentage.

The other day I picked up an advertisement by Lewis & Thomas Saltz, one of the leading men's stores in Washington. The advertisement reads "50 percent dacron and 50 percent fine combed cotton." The bill would require something to be done that is already being one by a large segment of the trade.

There is a certain element of fairness to cotton and cotton textiles involved, because under the present scheme of things, I have no doubt in my mind that cotton is suffering greatly because of a situation in which no labeling is required.

The bill would bring the situation out into the open. It would afford protection to everyone against unfair competition. I am in favor of lightening the burden of anyone as much as possible, in line with fair trade, fair practice, and fair competition. The bill would bring everything out into the open, and require only such regulation as is necessary to label the goods in an honest

market, for a purchaser who is not an expert in the field.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Tennessee.

Mr. GORE. Is it not fair to assume that most women in the country who shop are aware of the relative merits of cotton, rayon, dacron, and so forth, but that, unless there is some requirement for labeling—indeed, unless there is some accurate labeling of a garment or a material—the housewife is without a means of determining the percentage content of the garment or fabric?

Mr. STENNIS. She is absolutely without a guide except her own personal knowledge and intuition. That is very good, but in this day and age of technology and synthetics, it does not go far enough, and lacks a great deal.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. GORE. In the absence of any law to the effect, is it not possible now, and would it not continue to be possible in the future, to have mislabeling without any violation of the law?

Mr. STENNIS. That is correct. To a large extent it is a matter of misleading the purchaser if a garment is not labeled, in view of the practice of many manufacturers.

Mr. GORE. Is not one of the purposes of the bill to declare what is labeling and to make mislabeling and misleading advertising a violation of the law?

Mr. STENNIS. That is the practical effect of it; yes. The purpose is to put down some guidelines, so that those who do not follow those guidelines will be subject to some kind of penalty.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. GORE. With respect to the suggestion of the able and distinguished junior Senator from Rhode Island, that the subcommittee of which he is the chairman—and if he is chairman of it, the subcommittee will be ably led—

Mr. STENNIS. I heartedly agree with that.

Mr. GORE. With respect to the suggestion that the subcommittee be given the opportunity to study this field, would it not be the better part of wisdom, in view of the absence of any law with respect to labeling or to prevent mislabeling, to pass the bill and then give the subcommittee headed by the distinguished junior Senator from Rhode Island an opportunity to study its operation?

Mr. STENNIS. The Senator from Tennessee is eminently correct. In the field of law and regulation, the only real way to get at the problem is to pass a law and adopt regulations, and work the matter out in the best way we can in view of the facts available, and then see how it operates. I have found Congress to be very liberal, indeed, when a showing has been made of a pinch in the wrong place or when an injury has been worked, to pass a bill to correct the situation, and that has usually been done by unanimous vote.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YARBOROUGH. Since the distinguished Senator from Mississippi was not on the committee which heard the testimony in this case, I should like to state for his benefit that the bill was passed in the House last year, and that the distinguished chairman of the Committee on Interstate and Foreign Commerce, the Senator from Washington [Mr. MAGNUSON], sent out inquiries in 1957, and that the committee conducted hearings and received testimony from 100 witnesses or so, either orally, or by statements received by letter or by telegram.

The bill was fully discussed in committee on more than 1 day. I serve on the committee. In light of the experiences of the distinguished Senator from Mississippi, I wonder whether we have not had ample hearings on the bill to give everyone an opportunity to be heard. Therefore, I do not believe there is any need to put the matter off for another year or two, when 2 years have already passed, during which ample opportunity has been given for everyone to be heard.

Mr. STENNIS. Yes. The pending bill is fair to all kinds of textiles, whether they be synthetic or natural fiber.

I yield the floor.

Mr. ERVIN. Mr. President, I believe that the argument and the colloquy which have been heard during the last few minutes in respect to the bill manifests the wisdom of—

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators who wish to converse will please retire to the cloakroom.

Mr. ERVIN. The arguments and colloquy which have been heard on the floor of the Senate in the last few minutes manifest the wisdom of the suggestion made by the able and distinguished junior Senator from Rhode Island that the bill should be referred to the subcommittee which he heads in such an able manner.

It appears that we are discussing a bill which undertakes to deal with the fiber contents of garments and other materials. It is also apparent from the questions asked that a large number of Senators are not familiar with the contents of the bill. It is also apparent that many of those who are familiar with the contents of the bill are not very much satisfied with its provisions, because they have proposed 10 or 15 amendments to it. The able and distinguished junior Senator from Rhode Island, with the assistance of other able members of the Committee on Interstate and Foreign Commerce, is making a study of the entire textile problem at this time, especially that part which deals with the impact of governmental policies upon the textile industry.

It seems to me that wisdom justifies the Senate taking the suggestion of the Senator from Rhode Island, because his subcommittee is making an investigation

of the subject. The members of the subcommittee contemplate visiting the various States where the matter is of concern. It seems to me, therefore, that that would be wise to await the result of their investigation.

The bill is 20 pages long. I am in favor of the objective of the bill. However, I do not see why we need 20 pages. If we want a law to provide for the disclosure of the fiber contents of a garment, why not pass a law so providing in 1 or 2 sentences? The first sentence could state that every person who manufactures or sells a garment shall specify its fiber contents on the garment. Then the act could provide that the Federal Trade Commission shall have the power to determine whether the law is being violated or observed, with power to issue cease and desist orders in the event the law is not observed. That is all we would need in the way of a law. That would protect the public in a sensible way. We do not need a 20-page bill. The suggestion of the Senator from Rhode Island is a very sensible suggestion and ought to be adopted.

Mr. POTTER. Mr. President, first I wish to associate myself with the remarks of the distinguished Senator from North Carolina [Mr. ERVIN], that we follow the suggestion made by the Senator from Rhode Island. I do not know of any Member of the Senate who is as familiar with the bill as is the Senator from Rhode Island. He was present during the hearings and heard all the testimony. There is no Member of the Senate who would do more to protect the public than the Senator from Rhode Island. This is a very complex piece of proposed legislation. The situation is quite different from wool. Wool has a characteristic of its own. Here we are dealing with synthetics, which feel like cotton, and we have materials of different qualities. In connection with a bill of this kind, the implication is raised that it will cost more to the consumers because of the additional expense the manufacturers would incur. Those of us who have sat in the hearings believe that the consumer will not receive the protection which the proponents of the bill claim the bill will give the consumer. There are many things which should be included, such as the construction of the material, its durability, whether it will run, or whether the dye is fast. We saw exhibits in the hearings which dealt with two garments manufactured of the same type of material, with the same percentage content relationship. Yet one was worthless and the other was a good garment. The percentage of the fiber content itself means little from the standpoint of the protection of the consumer. We should not be discussing an important bill like this without having a report on it available.

Under the title in which we are supposedly protecting the consumers, we should consider carefully whether we are not doing something which will be harmful to the consumers. As the Senator from Rhode Island has stated, the entire complex of the textile industry should

be considered. I think we should consider the bill in that light.

Let me read certain statements made before the Senator's committee by Mr. Halbert M. Jones, president of the American Cotton Manufacturers Institute, Inc. This testimony appears on page 54 of the unprinted hearings, where the Senator from Rhode Island [Mr. PASTORE] was questioning the witness. I quote Mr. Jones now:

It is my understanding that the Senate is presently weighing the need for legislation in the field of textile fiber labeling.

This is an important matter for the textile industry, and it occurs to us that perhaps this inquiry will deal with this subject also.

Senator PASTORE. What is your offhand feeling with relation to that; are you for it or against it?

Mr. JONES. It is difficult for me to see how a description of the components in a fabric can give to a customer an estimate of quality. The quality of a garment or fabric are dependent on so many things in addition to the fiber content. The legislation which required labeling of fiber content will be costly to the industry, it will impose a burden on it, and it is difficult for me to see how it will add any real value in expanding markets for any fiber, or for textiles as a whole.

Senator PASTORE. I hope it is easy for you to understand that Senator PASTORE agrees with you.

That is the testimony which has been brought out not only during the hearings before our committee, but also before the special committee studying textiles. I sincerely think the Senate should adopt the suggestion of the Senator from Rhode Island and send the bill back to the special committee for a study of this important question.

Mr. MONRONEY. Mr. President, will the Senator from North Carolina yield so that I may ask a question of the Senator from Michigan?

Mr. ERVIN. I yield.

Mr. MONRONEY. As I understand, the gentleman the Senator has quoted was invited to testify on the labeling act, but he did not appear. The testimony which the Senator from Michigan has read was in the hearing on an entirely different matter.

Mr. POTTER. He was testifying on Senate Resolution 287, but he was also directing his remarks to the bill which is now before the Senate.

Mr. MONRONEY. Why did he not answer the invitation to come and testify directly on this measure, when everyone else in the industry was coming before the committee?

Mr. POTTER. Whether he did or did not accept the invitation, he testified on the bill which we are considering at present, and he opposed it.

Mr. MONRONEY. He opposed it in an entirely different hearing on an entirely different subject. I do not agree that he was representing his association. If this matter was important to his association, why did he not answer the invitation of the committee to appear before us and testify?

Mr. ERVIN. Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, I rather gathered the impression from the Senator from Michigan that he con-

tended that other materials could not be blended with wool. It seems to me that I read in the Goldfine hearings that material labeled as 90 percent wool and 10 percent vicuna had in it the hairs of 14 different kinds of other animals. An investigation by the Federal Trade Commission showed that.

The hearings before the Senate Committee on this bill are available to the Senate. I have one in my hand. They are available; they are printed; they are here in the Chamber. This report contains 347 pages. The report is available in the Chamber, for any Senator who wishes to look at it.

The Department of Agriculture is in accord with the purpose of the bill. It has letters in both the report and the hearings. The Department of Agriculture said:

The correct labeling of textiles would be of great benefit to the ultimate users of these products, and in our opinion, it should be of help to cotton and its competition with man-made fibers.

The Federal Trade Commission has endorsed the bill. It said, in its concluding paragraph:

The proper labeling and advertising of textile fiber products is a subject, the importance of which is emphasized by the increasing use of manufactured fibers and the mixture of manufactured with natural fibers. Consequently, there is need that there be means by which the public can determine what the textile fiber products which are offered actually contain, and thereby what can be expected in the use and treatment of such products.

At the hearings on the subject, one of the Senators present said that he had had the experience of cigarette ashes falling on his shirt and burning a hole in the synthetic material, although ashes falling on a cotton shirt did not burn a hole in the material. He said he now looks for the labeling on his shirt, and buys those labeled cotton. That Senator was not from a cotton-growing State.

I have had complaints from persons whose children are allergic to certain types of synthetic materials. For the protection of their children, these parents want labeling to be made mandatory, so that they may know the kinds of synthetics which are involved.

It has been said that a further study is necessary. We have already had a 2-year study. The bill provides for a further study. The last paragraph of the bill, section 15, on page 20, reads:

This act shall take effect 18 months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within 9 months after the enactment of this act.

If the objection is based on the need for a study, to take place now, the answer is in the law. The Federal Trade Commission will have 9 months in which to make a study. That Commission is the most experienced body in the country to do that. When it has completed that study, it will promulgate rules and regulations under this law. It will be another 9 months after their study is completed before the act will take effect.

The last sentence of section 15 reads:

The Commission shall provide for the exception of any textile-fiber product acquired prior to the effective date of this act.

The bill will not apply to any goods which are already manufactured. It will not apply to anything manufactured in the next 18 months, so long as it is acquired prior to the effective date of the act, and the effective date is 18 months away.

This is a little, timid step in the right direction.

On page 18 of the bill there are 11 exceptions, 11 different categories of manufactured goods as to which the provisions of the bill do not apply.

The bill will not be a burden on the textile manufacturers. In my part of the country, we want to see them prosper.

The bill is designed to protect the consumers. It is not intended to punish anyone, or limit manufacturing. It is intended only to require honest labeling. It is intended to protect the consumer by letting the consumer receive a dollar's worth of goods for the consumer's dollar spent.

It seems to me that since the bill provides that it shall not take effect for a year and a half, Congress will have an opportunity next session to consider further the effective date of the act, months before even the Federal Trade Commission itself has completed the promulgation of its rules. If a further extension of the effective date proves necessary, the next Congress will have ample opportunity to consider it before the act becomes effective.

The Federal Trade Commission now enforces the Wool Labeling Act. That act is working well for the benefit of the producer and of the public. It is of benefit to every honest manufacturer who properly labels his products, and it gives the retailer and the public the opportunity to know exactly what they are selling and buying.

There are other persons involved in the bill who are not regulated in the law. They are the persons engaged in the retail trade. The retailers are entitled to receive consideration. Since they do not manufacture the goods, they are entitled to know what they are selling to the public, to enable them to make honest representations to the public in their stores.

In light of the fact that the act will not take effect for a year and a half, during which the Federal Trade Commission will have 9 months in which to promulgate rules and regulations, it seems to me that a further postponement will be a surrender to that segment of the industry which does not want to label and state what is in the product which they manufacture.

I think it would be a disadvantage to the country to delay further this step in the right direction. It is merely one step in the right direction. I respectfully submit that this first step should be taken.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. ERVIN. I ask the Senator from Texas if he does not think the provision of the bill that it shall not take effect for 18 months is an argument in favor of the wisdom of the suggestion of the Senator from Rhode Island?

Mr. YARBOROUGH. No; quite the contrary. This investigation is a very technical matter. The bill requires an investigation to be made by the Federal Trade Commission, an experienced body which is specially charged with that duty. We, as Members of the Senate, manifestly cannot make the chemical tests and the measurements which will be required. I think the provision for a delay of 18 months shows that the bill has been thoughtfully drawn to take care of everyone concerned, and to make certain that no vested rights are impaired. By giving every manufacturer notice of a long-range plan, no change of machinery will be required.

He can continue to manufacture for a year and one-half, without making any change at all.

Mr. MONRONEY. Mr. President, will the Senator from Texas yield to me?

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair.) Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. YARBOROUGH. I yield.

Mr. MONRONEY. I wish to associate myself with what my colleague has said; namely, that there is to be a long time lag, and that if any bugs show up, they can easily be corrected.

Furthermore, New England and other sections of the country are vitally interested in the textile industry. The study of the textile industry which we have voted is for the purpose of finding means to restore prosperity to that industry—for instance, by means of the installation of mechanical devices, and by other means which will be of help to the domestic textile industry.

This subject has been before the Congress for 2 or 3 years. If this industry is required to spend 2 or 3 additional years in studying the matter of fiber labeling, it will simply impede the other investigation which has been ordered to find ways to improve the economic welfare of the industry.

Mr. YARBOROUGH. I concur in what the distinguished Senator from Oklahoma has said, and commend the able Senator from Oklahoma for his fine presentation of this matter.

I think all Members of the Senate want our textile industry to be prosperous. It is one of the early industries of the Nation, and it has benefited the American economy; and we wish to see it prosper.

The extra cost of labeling will be passed on to the consumers, anyway—as in the case of all other costs; but the consumers will be protected by knowing the fiber contents of the goods they buy.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, because I realize that there are a number of amendments to be proposed, and because I also realize that there seems to

be quite a divergence of opinion, I thought that at this time I would withdraw my motion, so as not to prevent any Senator from making an argument or submitting an amendment to the bill itself.

Mr. LAUSCHE. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. LAUSCHE. I am a member of the committee which listened to the testimony in regard to the bill. At the conclusion of the testimony, I formed the judgment that it was impossible for me to say that the testimony preponderated in favor of passage of the bill.

The State Department opposed the bill. The Department of Commerce expressed its opposition.

The Federal Trade Commission gave support to the bill. The Department of Agriculture supported it.

But from all the testimony there stuck in my mind the idea that all of the separate acts cited which supposedly deal with fair-trade practices ought to be reviewed; and that is the position which was taken by the Secretary of Commerce.

In 1940 a bill was passed which gave the Federal Trade Commission the authority to adopt rules and regulations dealing with fair practices if and when a particular industry desired regulation. That bill was contemplated as one which would cope with the general problem. Subsequently came the Wool Act, and then the Fur Act; and now there is before the Senate the pending bill, which deals with textiles.

I am fully aware of what Mr. Gwynne said; that the bill is a laudable one. I think there is need to assure the consumer that when an article is represented on television or radio or in the newspapers as being manufactured of cotton or wool, the article sold should be of that composition and that material. I must, however, state that, based on the testimony offered in the committee, and based upon the division of view of the different members of the Federal Government, when the committee acted I could not give support to the bill. The chairman of the committee, the Senator from Washington [Mr. MAGNUSON], in general stated the position correctly. I did not vote against sending the bill to the floor of the Senate, but I reserved to myself the right to oppose it on the floor.

If it comes to a vote, based upon the judgment which I reached upon the testimony, I would have to say the matter ought to be given further attention and we ought to approach it from the standpoint of reviewing all of the laws on the subject, and thereafter report to the Senate one bill which will give protection to the consuming public so that they will get what they are told they are getting, and nothing else.

Mr. POTTER. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. POTTER. Is it not true that if the Senate were to adopt proposed legislation to give the consuming public the protection which it is supposed to get,

and which the proponents of the bill say it will get under the bill, the labeling of the percentage of the fiber itself means little, unless something is stated about the construction of the article, and whether the construction of the article or the bolt of cloth is good? With respect to articles manufactured of cotton, they may be manufactured of long or short staple cotton. One is thicker than the other. If labels are to be provided which are to be informative to customers, then the bill does not begin to meet the purpose. There are a half dozen or more amendments about to be proposed providing for exemptions. Everyone says, "I am for the bill, but I do not want my pet little project covered by it."

The enforcement of the bill will fall on the retailers. Cotton is a little different from wool. Wool has characteristics all its own. Cotton, because of the difference in fiber, and because of the synthetics which may go into it, does not have the characteristic that wool has, for example.

Let us not kid ourselves one bit. This proposal was not initiated by the consumer; it was initiated by the cotton people. I say, God bless them, if it accomplishes what they say it will. If the proposal will protect the consumers, I share the views of the Senator from Ohio that it should be passed. But here we are doing one thing and saying it will help the consumer, when the Senator from Ohio and the Senator from Michigan know that is not the fact. I share the sentiments of the Senator from Ohio. I think the bill should go back to committee so a further study may be made.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Who has the floor?

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. LAUSCHE. The Senator from Michigan has touched upon a subject on which I should like to comment. On the basis of the testimony, it was brought out that the composition of a textile may be made up of a synthetic mixed with cotton and other basic materials. The relative goodness of those different materials has a relationship to comfort, wear, durability, and so forth. Based upon what I heard, I was in utter confusion as to how Congress could write a law which would clearly delineate the advantages which it was said would come about. I subscribe to what the Senator from North Carolina has said. If it is our desire to have more cotton sold, there is a far simpler method of doing it than that provided in the bill.

Mr. BUSH. Mr. President—

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. BUSH. Does the Senator from Rhode Island wish to make his motion first? Then I shall ask him to yield?

Mr. PASTORE. Mr. President, I should like to get my motion on record. I shall yield in just a moment.

At this time I move that Calendar No. 1689, H. R. 469, be recommitted, with the understanding that the committee will make a complete overhaul of all labeling acts, in the interest of the public and consumers.

I want to clearly understood that in making this motion I have no desire to kill any legislation which is intended in any way to protect the consumers. Fundamentally, I am interested in the textile industry. Fundamentally, I am interested in many of the matters which have been discussed. But my ultimate interest is in the consumers of America. In view of the recommendations made by the various departments, including the Agriculture Department, which is interested in cotton, and the Commerce Department, which should be interested in the welfare of the consumer, and which thinks that all our labeling acts should be overhauled, I believe the bill should be recommitted. I am for the objective of protecting the consumers of America. Let us protect them in grand style.

I repeat, if this bill is to protect the sale of cotton, that is one matter. If the sole purpose of the bill is to protect the consumers of America, then I think we can say it much more simply. We are confronted this afternoon with about a dozen amendments. I am wondering, Whom we will take care of and whom will we neglect this afternoon? I think it is important that the entire field ought to be reviewed and studied very carefully.

For that reason I am asking that the bill be recommitted.

I yield now to the Senator from Connecticut.

Mr. BUSH. Mr. President, if I may say merely a word, I want to congratulate the Senator from Rhode Island on his motion to recommit the bill. The Senator is a member of the Committee on Interstate and Foreign Commerce, is he not?

Mr. PASTORE. I am.

Mr. BUSH. I think he has analyzed the situation very well, as has the Senator from Ohio, who, as I understand, agrees with the Senator who has made the motion to recommit the bill.

I was very much impressed with the minority views of the Senator from Michigan. For that reason I think the best interests of the country will be served by supporting the motion of the Senator from Rhode Island to send the bill back to committee, where amendments can be carefully considered and the whole matter can be carefully reconsidered, so the Senate can act a little more intelligently.

There are some manufacturers in the State of Connecticut who strongly oppose this measure. On the other hand, I am impressed with the consumers' interest which is involved in the bill, as the Senator from Rhode Island has stated. I would welcome action by the Senate to recommit the bill at this time, without prejudice.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Washington.

Mr. MAGNUSON. The amendments which have been made are minor in na-

ture. The amendments now being referred to were considered by committee. One of them concerned whether or not the term "padding" instead of "backing" should be applied to what is used under a rug. The amendments being considered on the floor today are not new amendments. All of this has been considered very carefully by the committee.

Mr. PASTORE. I have been handed two amendments to be offered on behalf of the distinguished Senator from Georgia. Have those amendments been considered?

Mr. MAGNUSON. I do not know what those amendments are.

Mr. PASTORE. That is exactly the point.

Mr. MAGNUSON. Every bill which comes to the floor has some amendments proposed to it.

Mr. PASTORE. The distinguished Senator said that all these amendments had been considered.

Mr. MAGNUSON. I refer to the amendments we are about to propose. I do not know what all the other amendments are. Those are the only other two amendments pending, I believe. I do not know what those are. They may have been included.

Mr. PASTORE. I understand there are others.

Mr. MAGNUSON. There may be 3 or 4 amendments.

Mr. PASTORE. Perhaps I am misinformed. The only reason I made the motion to recommit is so that we can properly consider the matter. If the Senate does not want to recommit the bill, that is up to the Senate.

Mr. MAGNUSON. This bill does not have any more amendments proposed to it than would any bill of the same importance. I think the amendments of the Senator from Georgia, if I remember correctly, relate to thread manufacturers not being covered by provisions of the bill.

Mr. PASTORE. That is correct.

Mr. MAGNUSON. One of the amendments includes handicraft thread. We did not know of the term "handicraft thread." Amendments of that type are involved.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Arizona.

Mr. GOLDWATER. When I came into the Chamber this afternoon, Mr. President, to enter into the discussion of this bill, I was favorably inclined toward passage of the bill. I thought the bill had received the unanimous approval of the committee.

I now find myself in doubt as to the wisdom of considering the bill this afternoon, because I find the committee is not unanimous, and I find the minority views are well expressed by at least two different members of the committee.

Mr. President, there were a total of 6 amendments I intended to offer to the bill, but I was convinced that 5 of them had no opportunity of being adopted, so I have retained only 1. However, that is a very important amendment, and would go a long way toward changing

the bill. It is an amendment I feel should be accepted, or agreed to by the Senate if not accepted.

Mr. President, there are probably those in this body who have had intimate experience with the labeling acts, but I do not see any such present. I have had experience. I remember when the Wool Labeling Act was passed. The retailers of America shuddered, because we were the ones on whom the onus was put to see to it that the act worked, exactly as in the bill under consideration the merchant is the final one on whom the onus is put. If the merchants do not live up to the provisions of the bill, there will be a \$5,000 fine.

We did not think we could live with the Wool Labeling Act, but we have lived with it. I am not the first retailer to say that we have had trouble with the act. I should like to see the Wool Labeling Act amended in some respects.

The suggestion of the Senator from Rhode Island intrigues me, in that the Senator includes all labeling acts in the study he proposes, to help the retailers of America, when they come in to explain the difficulties which are involved.

I believe the retailers of this country think well of labeling. The retailers do not oppose the bill presently under consideration or the Wool Labeling Act, but in the years since the Wool Labeling Act became law some troubles have arisen which have caused additional expense.

I should like to cite one thing which can easily happen to put a retailer "behind the 8 ball," if I may use that expression. If a customer comes into a store and asks to have 2 or 3 coats sent out to her home, on approval, and during the course of showing the coats to her husband that night she removes the wool-labeling label from one of the coats, and does not buy that coat, which then comes back to the store, and if the store does not notice the fact that the label is missing, the store owner is liable to a \$5,000 fine.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. GOLDWATER. May I finish, please?

That is the type of trouble which one can run into. I do not object to that. We have had to hire extra people to take care of those things, but I think the consumer needs that kind of protection.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. STENNIS. Does the Senator know of any case in which anyone has ever been proceeded against on the basis of the facts the Senator has stated? Does the bill not contain the word "willful"? Before any charge can be preferred, there has to be a willful act.

Mr. GOLDWATER. In answer to the Senator's question, I cannot recall anyone ever having been brought up on that basis. I will say that investigators go through my particular business from time to time, and I remember once they found a coat without a label, but they did accept the explanation.

There are advantages and disadvantages to this matter, which my experience has shown to me. I believe that

ultimately we should have a cotton-labeling bill and a fabric-labeling bill, to provide for disclosure of contents.

When I came to the Chamber this afternoon I thought we had something to consider which the committee had agreed to unanimously, and which the Senate could agree to unanimously, but I find that is not the case.

Let us consider advantages in the bill. Certainly there is an advantage to the consumer, who wants to know what he or she is buying. The customer can look at the piece of merchandise and see whether it is dacron, nylon, any acetate fabric, part manmade, part natural, or whatnot. This is an advantage to the person who wants to know. It certainly protects the fabric and the originator of the fabric, particularly with respect to the manmade fabrics. It protects the cottongrower from having a manmade fabric identified as almost cotton. It protects the woolgrower from the use of manmade wool. It protects all those people, and it is an advantage.

It certainly advertises the fabric, and that is something we cannot overlook. I do not say we should overlook it. I think the more advertising we have in America, the better off everybody will be with respect to business.

But, Mr. President, there are certain disadvantages also. The disadvantages have been mentioned this afternoon. The small manufacturer is charged with the responsibility of accurately labeling the product. One of the questions which now is in my mind is, how far does this accuracy have to go under the bill? My experience with customers is that they want to know if the product will shrink; if it is colorfast; if it is cotton, how much cotton; or if it is wool, how much wool? If it is a man-fabric, the customer wants to know what it will do and what it will not do.

If we are going into the generic terms, I am afraid we will find labels of such a size that they will in some cases outshine the garment or the piece of merchandise.

Let me cite an example. Let us say that a merchant is preparing a catalog which he is going to send to his customers. It is possible under the type of labeling which is described in the bill, and even possible under the Wool Labeling Act, that the man may have to print so much of a description of his fabric on the page, to identify the garment, that he will have little room to tell how much it costs or to describe it in terms which might interest the customer. That is a risk. I simply mention that risk at this point.

I have already mentioned the risk to the individual retailer, in that the retailer will have a difficult time of keeping up his responsibility from day to day. I will say in that respect that the Federal Trade Commission has been very lenient with these cases, but there is always the chance we will not have such an operation of that Commission.

One other thing of importance has been under consideration this afternoon, which I had not thought of before I came to the Chamber. I think it is of particular concern to those Senators

who represent the fabric-producing States and those Senators who represent the fabricating States.

What effect will the bill have on domestic commerce? I do not have the answer. Will the passage of the bill tend, with respect to the merchant who is selling on a very quick turnover, low profit standard—who is seeking cheaper merchandise all the time—to force the merchant to go abroad to buy manufactured articles and bring them into this country, which might hurt rather than help the fabric industry of this country?

That is a question which I believe we must consider, because, while the bill is intended to be rather specific, we can find merchandise in stores in this country which comes in from overseas—for example from Puerto Rico, one of our commonwealths—with respect to which there is no labeling of the contents.

As I stated at the outset, I came here today believing that we had a workable labeling bill. I now believe that we would be wise if we should decide to accept the suggestion of the Senator from Rhode Island and send the bill back to committee for a thorough and complete study of the entire field—looking into the Wool Labeling Act, discussing the new fiber labeling legislation, and listening to all those who are affected, including the consumer, the retailer, and the manufacturer.

No retailer in the country would object to the extra cost involved in providing labels for the protection of his customers. My experience has always shown that if one wishes good merchandise he goes to a good store. If he does not care much about what he buys, he goes to a store where he pays less, and the quality is not so high. Manufacturers themselves pretty well take care of the question of quality.

Much as I agree with the principles of the bill, I think we would be wise to send it back to the committee for thorough study.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. MONRONEY. I cannot find any provision of the bill which exempts the products of Puerto Rico. On page 3 of the bill I find the following:

The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

I believe the Senator is incorrect in his assumption that anything from Puerto Rico could be imported without having the same rules applied to it.

Mr. GOLDWATER. In the proposed act, that is what is called for; but at the present time sports clothes are brought from Puerto Rico with no labeling.

Mr. MONRONEY. They are also brought in from Arizona and Oklahoma with no labeling.

Mr. GOLDWATER. They are not brought in from Arizona without labeling, except in cases in which they are not covered under one or more of the various classifications of fabrics.

Mr. MONRONEY. There is no labeling law at present.

Mr. GOLDWATER. I understand.

Mr. MONRONEY. That applies even to the fine product known as Pima cotton, which is much more desirable than dacron or orlon. Hathaway advertises a \$12 shirt, made from Pima cotton. That is an example showing that fibers need to be identified. There is nothing in the law today to prevent an unscrupulous manufacturer of shirts from saying, "These shirts are made of Pima cotton." There may be only 2 percent of Pima cotton in the shirts.

Under the terms of the bill it would be 36 months before such a practice could be stopped; and if the bill were recommitment, it would be 48 months before we could prevent the perpetuation of fraud when mislabeling is involved. A product can be mislabeled and exploited to the point where people will say, "That is no good. I have tried it." Perhaps it would have only 2 or 3 percent of Pima cotton in it.

Mr. GOLDWATER. I certainly am not against labeling acts. I believe they are just and right; but after hearing today the disunity which exists in the committee—

Mr. MAGNUSON. Mr. President, there was no disunity in the committee.

Mr. GOLDWATER. Minority views filed by two members of the committee.

Mr. MAGNUSON. Two members out of a total membership of 15.

Mr. GOLDWATER. How many others disagreed?

Mr. MAGNUSON. No others disagreed.

Mr. GOLDWATER. Did not the Senator from Ohio [Mr. LAUSCHE] disagree?

Mr. MAGNUSON. The Senator from Ohio and the Senator from Michigan [Mr. POTTER] disagreed.

Mr. GOLDWATER. That makes 3.

Mr. MAGNUSON. No.

Mr. GOLDWATER. Did not the Senator from Rhode Island [Mr. PASTORE] disagree?

Mr. MAGNUSON. The Senator from Rhode Island did not disagree. He desires to have a study of textiles made. He is not against the bill. He is for the bill.

Mr. GOLDWATER. That is my stand, but I think we could do a better job, in view of the lack of unanimity, if we were to study the subject a little longer.

Mr. MAGNUSON. Sometimes we can study something too long.

This bill received just as much consideration as any bill of this importance before the Senate or before the committee. The committee held long hearings. I invited every Senator to come forth and testify. None of them came except the proponents of the bill. I even went so far as to invite Members of the House who were the authors of the bill to come before the committee and give testimony so we could have almost a joint hearing. I heard nearly 100 witnesses. This bill has had more consideration than most bills receive. It was reported on June 6, and has been on the calendar ever since.

Mr. PASTORE. Mr. President, in view of the arguments made here today, does not the Senator from Washington feel that we would proceed much faster if

we were to dispose of the question of recommitment first, and then, if the consensus is not in favor of recommitting the bill, proceed by way of amendment?

Mr. MAGNUSON. Oh, yes.

Mr. PASTORE. I have explained my position. In view of the testimony which developed before our committee, I feel constrained to vote to send the bill back to the committee for further study. If the Senate is not of that mind, I think we should resolve that issue, and proceed by way of amendment to dispose of the proposed legislation. If the bill should come to a final vote, I would have to vote for it. I am not against the bill. However, I think it should be clarified, refined, and broadened. In view of the fact that another investigation is in progress, the bill should go back to the committee, in the public interest. If the Senate is not inclined to recommit the bill, we should proceed by way of amendment, and then vote the bill up or down.

Mr. JAVITS. Mr. President, does not the mere fact that the operation of the bill would be suspended for 18 months indicate that the consumer is not in imminent danger of suffering horrible losses tomorrow? Does not that fact clearly demonstrate the wisdom of the position of the Senator from Rhode Island, that the bill should be recommitment? In practical effect, the bill would lash us to the mast with respect to specifics. It would not take effect for 18 months. Is not that the best argument for recommitting it, so that it may possibly be made effective sooner?

Mr. PASTORE. I do not think we should belabor that point. This is the kind of bill which cannot take effect upon passage. A certain length of time is required for the Federal Trade Commission to draft regulations. There must be a sufficient period of time subsequent to the enactment of the bill to allow for the drafting of regulations. I do not think that should be used as an argument.

In view of the misunderstanding, and in view of the fact that many Senators do not quite understand the bill as it is drawn at present, it seems to me that it would be in the public interest to recommit it. In any event, we should dispose of that question now; and if it is not the desire of the Senate to recommit the bill for further study, we should proceed by way of amendment, and vote the bill up or down.

Mr. HILL. Mr. President, there is no Member of this body for whom I have a greater respect or admiration than the Senator from Rhode Island. He is able and brilliant. However, I cannot agree with him that the bill should be sent back to the committee.

So far as concerns any study of the entire field of labeling, the Senator's committee needs no authorization, and no instruction. It does not even need an invitation from the Senate to carry on such a study, if the committee feels that the study should be made.

This bill has not come to the floor of the Senate overnight. Proposed legislation on this subject has been before the Senate for a period of years. Two years ago the House Committee on In-

terstate Commerce reported a bill favorably to the House of Representatives. A year ago the House Committee on Interstate Commerce again reported a bill favorably to the House of Representatives; and a year ago, on August 14, 1957, the House of Representatives passed this bill.

Subsequent to the passage of the bill by the House, thorough hearings were held on the proposed legislation by the Senate Committee on Interstate and Foreign Commerce. The printed record of the hearings consist of 347 pages. Forty-one witnesses appeared personally to testify before that committee. They made their statements, and were asked questions. The committee went into the subject very thoroughly.

In addition to the 41 witnesses who appeared personally, 55 other witnesses testified either by way of filing statements, or through communications of some kind. Therefore, the committee heard from approximately 100 witnesses in connection with the bill before it acted on it. After hearing the witnesses, the committee considered the bill very carefully. It received reports from the various departments of Government. It had a report from the Department of Agriculture, a report from the Department of Commerce, a report from the Comptroller General, a report from the Federal Trade Commission, a report from the Interior Department, a report from the Justice Department, a report from the State Department, a report from the Tariff Commission, and a report from the Treasury Department. Surely the bill could not have had more careful and thorough consideration, after hearing all those witnesses and getting all those statements and all that presentation of testimony and all these reports from the various departments of Government.

The effect of sending the bill back to the committee would mean to kill the bill and to wipe out all that has been done up to date. The bill has been passed by the House of Representatives. The bill must be passed at this session, or it is dead. If it is killed, it will mean that we will have to go all the way back to the House committee and through the House and through the Senate committee and then come to the Senate again before any action can be taken on it. There would be weeks of delay and months of delay, and perhaps even years of delay before the legislation could be enacted.

The bill is now before the Senate. It has reached the final step. There never was a truer saying than the declaration of the famous English jurist that justice delayed is justice denied. It is all right for people to say, "We are in favor of the purposes of the bill. It is a good bill. It ought to be passed. However, we want to delay, we want to postpone, we want to wait." To delay justice, Mr. President, is to deny it.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. GORE. Lest the Members of the Senate from the Northeast, where a great number of the garment manu-

facturers are located, be misled, let them be advised that there, too, the largest number of customers are located. A few very cogent sentences appear at page 41 of the hearings, and I should like to read them, if the Senator from Alabama will permit me to do so.

Mr. HILL. I yield to the Senator from Tennessee for that purpose.

Mr. GORE. This statement appears at page 41:

There are many new developments in fiber blending, in chemical finishing of fabrics, and in weaving techniques. As a result, a consumer cannot be sure she is getting what she wants and is paying for when she buys textile products without fiber identification. Nowadays, it is possible to make almost any fabric of a particular fiber look and feel like a fabric made from another fiber. It is impossible for a technician, much less a layman, to detect any difference between them by sight or touch.

For example, it is easy to make a rayon-cotton blend look and feel like an all-cotton fabric. Such a blend often sells as an all-cotton fabric. Unless the fabric is appropriately labeled, the consumer has no way to be sure of its fiber content at the time of purchase.

Is that not the condition which would be extended without control, without prohibition, without regulation, unless the bill were passed?

Mr. HILL. The Senator is absolutely right. He has well and accurately described the condition. As I said, this bill has come to the floor and is in the last stage so far as congressional action on it is concerned. It has had action by the House committee, action by the House, and action by the Senate committee. Having passed through those stages, the committee reported the bill favorably to the Senate and recommended its passage. Why should we send it to the committee now? The bill should be passed, and it should be passed now. It is vitally needed for the protection of both the consumer and the cotton producer. We know there is more and more blending all the time with synthetic fibers. I wish to emphasize the fact that I am not opposed to blending. Blending oftentimes adds desirable qualities, such as luster and strength and crease resistance. However, I insist that where there is blending the consumer ought to know that blending is being done. He ought to know just what that blending is. He should know the different fibers that go into a product.

Mr. GORE. I have just read testimony to the effect that without labeling even a technician cannot, by the feel or by sight, detect erroneous labeling.

Mr. HILL. I wish to thank the Senator for emphasizing that point. I was about to come to it. He has emphasized it better than I could. The consumer cannot, by looking at the product, tell what is in the product, and he cannot tell by feeling it either. The only way the consumer can have the knowledge he is entitled to have, and which will properly protect him in his purchasing, is by having the product properly labeled, as the pending bill provides.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HILL. I am glad to yield to my friend from Rhode Island.

Mr. PASTORE. Is there anything in the bill which requires the manufacturer or retailer to say that a garment is nonshrinkable?

Mr. HILL. No; there is nothing to that effect.

Mr. PASTORE. Does not the Senator believe that the consumer ought to be protected in that regard? Is it not important, when a person buys a shirt, to know whether the shirt will shrink? Is it not just as important to know that as it is to know how much dacron or how much cotton is in the shirt? Why is it not more important to know that a shirt will not shrink?

Mr. HILL. I know of no standard by which one could write that determination into the law.

Mr. PASTORE. Does the Senator mean to tell me that if we tell a consumer a shirt contains 40 percent cotton, 10 percent dacron, and 50 percent nylon, for example, the purchaser of the shirt will know that it will not shrink?

Mr. HILL. That is the reason why I do not buy an off-brand product. I buy a certain brand.

Mr. PASTORE. The point I am making is that the distinguished Senator from Tennessee has made a strong point about the fact that there are more consumers in the Northeast than anywhere else, and that we have more consumers than textile manufacturers. I know that. That is why I am constantly and continuously fighting for the cause of the consumer. I wonder whether the purpose of the bill is to sell cotton or to protect the consumer. If we wish to protect the consumer, let us tell the consumer that an item is colorfast, or that it is nonshrinkable, for example. If we want to say, "Please buy more cotton," this is fine. If we are to protect the consumer, let us protect him. The pending bill does not do that completely.

Mr. HILL. At least it tells the consumer what he is buying in terms of the fibers in the product he buys. We give the consumer all the protection we can.

Mr. PASTORE. What good will it do him if the shirt will still shrink?

Mr. HILL. He knows what will shrink and what will not shrink if we tell him the fibers in the product he buys.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered on the motion to recommit, so that Senators may be informed?

The yeas and nays were ordered.

Mr. HILL. Mr. President, I shall not detain the Senate long, but I wish to say that it is not only to the interest of the producer and to the interest of the consumer to pass the bill, but it is also to the interest of the manufacturer, because sooner or later, unless a manufacturer labels his product, he will find that, although he is trying to do the right thing, he will come in competition with the manufacturer who does not do the right thing. He will be confronted with the unfair competition of that manufacturer who is not doing the right thing.

The bill would simply provide what the Wool Products Labeling Act has required for some 19 years; namely, the labeling of the products for the protection of the consumer, the purchaser, and

the manufacturer. I urge the defeat of the Pastore motion and the passage of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, in my opinion, the bill would do more harm than good as it is written at present. I have listened to the discussion, and particularly the remarks of the Senator from Rhode Island. I have had some experience with the manufacture of cloth. I have had the benefit of a textile manufacturing course and have looked thoroughly into this matter. I am thoroughly convinced that the bill will not do the textile industry of the United States any good. Neither will it be of any help to the person who purchases cloth.

Immediately after I finished college and finished a course in textile manufacturing, I went on the road as a traveling salesman for a cloth manufacturer. I sold what was known as character cloth. It received that name because it was made of the very best cotton which could be purchased, and was made by the very best process which could be used for the making of cloth. Boys and girls who were working their way through school were employed in the cotton mill.

In Charlotte, N. C., in July 1921, a department store conducted a demonstration, not for 1 hour, but for 12 hours, of boiling cotton. The strongest soap which could be obtained was used in the water to prove that the colors were fast, and also to prove that the cloth could stand boiling for several hours.

If the manufacturer does nothing but what he says, make the article of cotton, and has a label on it, as the bill provides, I fear that many people will be misled into purchasing it. They will think they are getting the very best fabric, when in reality the article may be an inferior one. That is what I fear.

Let us not mislead the purchasing public by putting our approval on a bill such as this. I hope the Senate will do as the Senator from Rhode Island has requested; namely, refer it back to the committee for a further and more thorough study.

Mr. POTTER. Mr. President, the discussion clearly indicates that the motion of the Senator from Rhode Island should prevail. I think I attended the committee hearings on the bill, together with the Senator from Rhode Island, and the Senator from Ohio, as much as any other Senators. I will be very frank and say that when the bill was first taken up by our committee, my general inclination was to favor it, because it came under the heading of protection for the consumer.

Cotton is not grown in Michigan; neither are there any textile manufacturing plants in Michigan. As the hearing progressed I think it became apparent that the bill was introduced to afford relief for the cotton farmer, not protection for the consumer.

If protection for the consumer were provided, I would say that was fine. If it would help the cotton farmer, I would say that was all right. But as the hearing progressed, I became convinced that it did neither. It would help neither the

cotton farmer nor the product consumer.

I think we can go back and consider what happened under the Silk Labeling Act. At one time—and the history of its operation is replete with evidence—a great effort was made to provide labeling for silk. It was backed by the Japanese silk textile industry. They hoped that by achieving their objective, there would be an increase in the sale of Japanese silk in the American market.

But rayon came onto the market. As a result of the large amount of advertising which rayon received, silk was run off the market.

It is interesting to read some of the testimony of the synthetic cloth manufacturers before our committee. They are not interested in the cotton farmer. Why did they testify for the bill? Because they got free advertising. They got free advertising on every article which they made, advertising which otherwise would have cost perhaps a million dollars.

Orlon and other synthetics are becoming, today, as commonplace as cotton, so far as the American housewife is concerned. What are the criteria? When a Senator's wife buys an article, whether it be a dress or some other garment, or when a Senator buys a shirt, is he or she interested in whether the article is made 60 percent of cotton and 40 percent of orlon? No; we are interested in a shirt which is washable, a shirt which is durable, a shirt which is constructed properly, as well.

Our wives feel the same with respect to the articles which they buy. I am sure my wife would not care whether an article contained 60 percent cotton and 40 percent orlon. In many cases, it will be found that the blending with a synthetic adds to the value, the durability, and the luster of an article. The distinguished Senator from Rhode Island brought out that point.

Let me quote from the statement of Mr. James O. Graves at the hearings before our committee. Mr. Graves, by the way, testified in favor of the bill. He said:

The blending of fibers to achieve optimum performance for a particular end use is an ancient art, and the advent of synthetic fibers has provided the textile blender with many new components and has made many new and improved fabric concepts possible.

He cites shirts as an example. He says:

Similarly, a shirt containing 65 percent dacron and 35 percent cotton and one containing 50 percent dacron and 50 percent cotton would bear the same label—that is, "dacron polyester fiber and cotton." The 65-35 shirt would have the performance and ease-of-care properties we advertise and promote. The 50-50 shirt would not. Yet, so far as the required label is concerned, the consumer would have no way of distinguishing between the two. The differences in performance would be even greater if the dacron content were 21 percent and cotton, 79 percent. The label would read simply "cotton and dacron polyester fiber," or "cotton and polyester fiber," and we doubt that the order of generics would adequately inform the customer.

Or, take the case of two pairs of boys' slacks—one containing 75 percent orlon and rayon, the other 50 percent orlon and 50 percent rayon. Both would be labeled, "orlon acrylic fiber and rayon." One would be a

wash-and-wear garment, the other would not; yet, the customer, even with our advertising in mind, would not be able to distinguish between the two.

Mr. President, I cite those excerpts from the hearings held by the committee, in order to point out that the percentage of fiber has little to do with matters which will aid or protect the consumers, in that the consumers have little or no knowledge about what properties the fibers have. In many cases, a blend of fibers makes the resulting textile wear much better. But the consumers would not know whether a particular percentage constituted the ideal blend or not.

Certainly the consumers should be protected against false advertising; and we now have on the statute books laws which protect the consumers in that way.

Even so, I believe legislation in this field is needed. But, Mr. President, let us not fool ourselves at all. If legislation in this field is to be enacted, let us vote for measures which will permit the consumers to know whether the articles are washable, whether they are made of long fibers or short fibers, and so forth.

But the proposal now before us has been brought before the Congress, not by the consumer interests, but by the cotton-producing interests. I certainly commend their interest in the cotton growers of the country. But let us not misunderstand; we should not for one moment believe that the proposal which has been advanced by the cotton growers will, if enacted into law, be of great value to the consumers. On the contrary, it will be of very dubious value to the consumers.

Furthermore, we know that the additional cost to the manufacturer will not be paid by him, but will be passed on by him to the consumer.

So, under the guise of protecting the consumer, we would be forcing him to pay more for the articles he purchases; and we would be doing so in the hope of aiding the cotton farmers.

Therefore, Mr. President, I hope the motion of the Senator from Rhode Island [Mr. PASTORE] will be agreed to, and that the bill will be recommitted, for further hearings.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my individual views, as set forth in connection with the committee's report.

There being no objection, the excerpt from the report (No. 1658) was ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF SENATOR CHARLES E. POTTER

This legislation seeks to protect the purchaser of certain products by use of a label containing information about the textile fiber used in the product. I cannot agree that H. R. 469 adequately achieves its purpose. In my opinion it does not protect the consumer.

Under this legislation, the label would be required to contain information on the components of the product designating their percentage by weight. In addition, the label would carry the name of the manufacturer or distributor and would indicate the country of origin if the product was imported into the United States from abroad.

The information required to be disclosed would not provide the ultimate consumer

with any more information than can be obtained from an honest, legitimate merchant selling standard merchandise. The consumer through past purchases has developed experience which is either favorable or unfavorable to certain kinds of fibers and material. Through this experience of past purchasing, a consumer knows that a certain fabric or type of fiber will give satisfactory service from the standpoint of wear and that it is suitable for washing or cleaning. It is important that the consumer know the advantages of certain types of fabrics. It is my frank opinion that the information required to be set forth on the label will not disclose how well the fabric or garment will wear nor will it disclose washability.

It is well known that certain products made from natural fibers such as cotton or wool may have definite advantages over fibers or fabrics which have been developed through chemical processes. It is true, also, that certain manmade fibers may have superior advantages when put to particular uses. It is difficult for me to see how disclosure of the fiber content by percent of weight is considered to be an advantage for the consumer. I believe that most manufacturers have an honest desire to put more quality and value into their merchandise than additional labels. Testimony has been received by the committee which indicates that many fabrics are actually blends of more than one type of fiber. Through such processes, the fabric may be changed in its character or serviceability by varying the percentages of the component parts. I firmly believe that unless the consumer knows the desirable blend of the materials in a garment it is possible to mislead and deceive the consumer in such a way that the product will be inferior from the standpoint of washability and wearability. Thus, even if the actual content is known to the consumer, it does not, in most cases, convey information of real value to the user on the characteristics of the fabric used in the product.

Our committee has been told that extensive experimentation has taken place in the trade to determine the suitability of certain blends for a particular end use. Unless the manufacturer adheres to the recommended blend, there would be no protection to the consumer because the consumer would have no way of knowing whether the product was serviceable until it had been used. Unfortunately, not all manufacturers are interested in having a high-quality material and as a result quality is sometimes reduced to effect a cost saving. In all cases this might not be to the advantage of the consumer who has no way of obtaining adequate information except through experimentation. This legislation will not offer the quality standards on which the consumer may rely. In addition, our committee received testimony that wide variation exists in using the same process because of other factors which may affect the ultimate result achieved during the manufacturing or finishing process.

According to my information, this bill would not in any way assist the consumer in making a more intelligent selection of garments or fabrics.

Mandatory disclosure of the fiber content of all textile products is not needed nor desirable.

At the present time, there are certain manmade fibers on the market which are offered to the public under certain proprietary names. It is understandable that each manufacturer wants to promote his particular synthetic product. There is no way for the consumer to know that two manufacturers are producing an almost identical or identical fiber or product because the consumer would not know the scientific nomenclature for the product. The exact fiber content of a textile is an academically important to trained scientific persons but not to the consumer.

There is no way that the consumer can know, through the provisions of this legislation, that two textile manufacturers are using similar synthetics of fiber or yarn.

I believe that the labeling required under H. R. 469 would serve to confuse a consumer who is already uncertain and perplexed over the many synthetic fibers and blends of fibers which are offered to the public today.

Legislation, in my opinion, would not accomplish its objectives and may result in considerable more confusion and additional difficulties. I can see few advantages resulting from this legislation.

If the provisions of this bill become law, it will burden the manufacturers, processors, distributors, and retail merchants with additional responsibilities for record keeping and labeling. It would result in increased costs to the manufacturer and retailer. It is well known that these costs are not absorbed by those persons but are directly passed on to the consumers in the form of an increased cost of the product.

It is well known in the trade, and perhaps generally, that nylon and other synthetics have characteristics which impart greater strength to the garment or fabric. In certain garments, only a small percentage of nylon may be used in a certain area to impart greater strength which results in more serviceability of the garment. The same result is achieved in such products as curtains and draperies by the use of certain fibers which will impart strength to the product which will enable the drape to wear longer and not pull apart by its own weight. The manufacturer of such products would ordinarily indicate that nylon or another fiber was added for purposes of strength. The percentage by weight of the fiber may be very small. Increasing the percentage of that fiber would not result in a better quality item. I do not think that most consumers have enough experience to adequately evaluate the information which may be required under this legislation. By using certain blends of synthetics or synthetics and natural fibers, the characteristics of the end product may be varied greatly. To a large degree the characteristics of the final fabric may also be varied by the processing used or the finishing applied to the fabric. I believe that the consumer will have no way of determining the characteristics of the final fabric merely through a disclosure of the percentage by weight of the components of the product.

It has been suggested that this legislation has been advocated by certain cotton interests. There can be no doubt but that the market for goods produced by the cotton industry has been invaded by manmade synthetics. This labeling bill will not help the cotton industry sell more cotton goods and I cannot see where it will in any way enhance the standing of cotton to promote greater use of cotton. The cotton industry has been characterized as a sick one but its illness is not in reality caused by the development of synthetics. To a far greater degree, this industry has suffered from import of cotton fabrics produced abroad. Enactment of this legislation will not reduce that competition.

I wish to make my position clear regarding past labeling legislation. I believe that the benefits are great which have come to the consumer as a result of the provisions contained in the Wool Products Labeling Act and the Fur Labeling Act. I do not believe that similar results can be achieved through enactment of H. R. 469.

CHARLES E. POTTER.

Mr. MONRONEY. Mr. President, in connection with the alternative which has been mentioned, I should like to direct attention to Senate Resolution 287, which was agreed to by the Senate on

May 6 of this year. I read now the first part of the resolution:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134 (a) and 136 of the Legislative Reorganization Act of 1946, as amended, to conduct a full and complete study of all factors affecting commerce and production in the textile industry of the United States, including but not limited to (a) the extent, nature, and causes of the decline in interstate and foreign commerce in textile mill products; (b) the decline in employment in the textile industry; (c) the effects of policies and programs of the Federal Government on the industry; and (d) the impact of commercial policies of other nations on the industry.

The committee is to look into the chaotic economic conditions existing in the textile industry. But if the committee is to study the question of whether labels should be used, and if that question becomes the major concern of the committee, the question of unemployment in the textile factories in New England and the South may never be studied. I am afraid that unemployment will continue to grow while the committee hears once again the testimony of dozens of witnesses whose testimony already has been heard by the Senate committee.

It has also been argued that the bill should be recommitted, because several amendments are at the desk. We have gone over the amendments. I have prepared an amendment, which I shall submit on behalf of myself and several other members of the Committee on Interstate and Foreign Commerce, which combines nine-tenths of the amendments now at the desk, and which will be in accord with the purpose of the bill and with the views of a majority of the members of the committee who have heard the testimony.

Therefore, I trust that the motion to recommit will be rejected, and that the work which has been done over a period of many weeks by the members of both the Senate committee and the House committee will not be negated, but that the bill will be passed.

Mr. JORDAN. Mr. President, reference has been made to pima cotton. It is clearly against the law to mislabel any product; it is illegal to label a garment as containing pima cotton, if it does not contain pima cotton. So such mislabeling cannot be done, unless a person is to violate the law. Of course, we realize that almost all laws are violated at times, by those who have no regard for the law.

Mr. MONRONEY. Mr. President, will the Senator from North Carolina yield to me?

Mr. JORDAN. I yield.

Mr. MONRONEY. If the garment contained 5 percent pima cotton and 95 percent ordinary cotton, under the law the garment could be labeled "pima cotton and cotton." And in that case the customer would not know what the respective percentages were.

Mr. JORDAN. Yes.

Mr. MONRONEY. In fact, I think that could be done even if only 2 percent of pima cotton were used.

The purpose of the bill is to insure truth in advertising and merchandising,

so that the consumer can judge for himself, by means of the information obtained from the tag or label.

Mr. JORDAN. But under existing law, I believe the larger percentage has to be stated first, in other words, the label must read cotton and pima cotton, if more than 50 percent of the garment is cotton, and if pima cotton constitutes a smaller percentage of the garment.

I am in the cotton manufacturing business, and have been most of my life; and cotton is what I spin in my mill.

However, I do not believe the bill will help the cotton farmer one whit. Instead, I believe the bill will hurt him. The cotton farmer thinks the bill will help him, but I do not believe it will.

I think the testimony which has been brought out on the floor this afternoon—testimony to the effect that the customer does not particularly need to know exactly what the fiber content is—shows that the bill, if enacted, will not help the customer one iota. If the bill is to be enacted, then I am glad I voted, the other day, for the education bill, because if the pending bill is enacted, all the consumers will have to be college graduates, or have to go to college and study about textile content, if they are to know about what they have purchased.

As I have stated, I am not opposed to the bill if its enactment will aid the consumers. However, I think other factors are much more important to the consumers.

The bill, if enacted, will be confusing, and will result in great additional expense to the manufacturers. However, enactment of the bill would not affect me one whit in connection with the manufacturing process; but enactment of the bill would cost the consumers a tremendous amount of money, for the additional cost would certainly be passed on to the consumers.

So I believe the bill should be considered further by the committee which is investigating all phases of the industry. After that is done, I hope the committee will report a bill which I shall be glad to help enact.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield for a question?

Mr. JORDAN. I yield.

Mr. STENNIS. I had to leave the floor for a short time; and when I returned, I was not certain whether I had heard the entire statement made by the Senator from North Carolina. Did I correctly understand him to state that the use of a label which would show the contents of a garment would not help the consumers know more about the fabrics?

Mr. JORDAN. I doubt that it would help them. In other words, under the present law, a garment made of 100-percent cotton or 100-percent wool can be labeled "100-percent cotton" or "100-percent wool."

Mr. STENNIS. But if a consumer undertakes to appraise the actual quality of the cloth used in the garment—whatever it may be—such disclosure of the fiber content of the fabric or textile would be helpful to him, would it not?

Mr. JORDAN. I doubt it.

Mr. STENNIS. I believe the Senator from North Carolina underestimates the

intelligence of the American women, as well as the intelligence of other consumers.

Mr. JORDAN. I do not think so, for this reason: I believe that the manufacturers make the very best fabrics they know how to make; and when the manufacturers include synthetics such as nylon, Orlon, or Dacron, those synthetics are much more expensive than cotton; but the synthetics I have mentioned improve the fabric, by increasing its abrasion-resistant qualities. That is why those synthetics are used.

Mr. STENNIS. Can the average consumer tell the value of the average percentages used?

Mr. JORDAN. I do not think so.

Mr. STENNIS. If they cannot, would not a disclosure of the facts help them determine whether they wish to buy the particular garment or do not wish to buy it?

Mr. JORDAN. That might help if the customer wanted to purchase a garment made of 100-percent cotton fabric. In that case, if the garment were so labeled, I believe that information would help the consumer a great deal.

But in the case of a blend of 3 or 4 different fabrics—as usually contained in a great deal of the cloth used—I doubt that that knowledge would help the consumer any. I have no objection to having that information disclosed; but I do not think this bill would do that. Instead, I believe the pending bill would only confuse the public, because the bill is designed to help the cotton farmer; there is no doubt about that.

I want to help the cotton farmers as most of my colleagues do. But I do not believe the pending bill actually will help the cotton farmer.

If we really wish to help the cotton farmer by means of a labeling act, then we should enact a bill which would require that the rayon content be shown, along with the cotton content, because rayon is the cheapest fabric that is made.

Mr. STENNIS. Will not the pending bill do the very thing which the Senator has pointed out would be helpful?

Mr. JORDAN. It would; but it would go far beyond that, and the result would be to confuse the entire situation; and, in addition, enactment of the bill is unnecessary, and would result in great additional expense to the manufacturers, in my opinion.

Mr. STENNIS. If the Senator will permit me to make this observation—it is not a question—he has clearly stated the primary purpose of this bill is to bring such disclosures; and a statement as to how much rayon and other fibers are in the material would be helpful to the consumer, would it not?

Mr. JORDAN. Under existing law, rayon cannot be put in material with another fiber and the claim made that the material is cotton. It must be stated that it is cotton-rayon. A fabric cannot be labeled "cotton," if it has rayon in it. That is against the law.

Mr. STENNIS. Would the present law require a disclosure as to how much rayon is in the material?

Mr. JORDAN. No.

Mr. STENNIS. The proposed law would so provide?

Mr. JORDAN. Yes.

Mr. STENNIS. So the bill would help the consumer to that extent, would it not?

Mr. JORDAN. It would, if the consumer did not want any rayon in the material.

Mr. STENNIS. I thank the Senator.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Rhode Island [Mr. PASTORE] to recommit the bill. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERR (when his name was called). On this vote I have a pair with the distinguished Senator from Georgia [Mr. TALMADGE]. If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Florida would vote "nay" and the Senator from Virginia would vote "yea."

I further announce that if present and voting, the Senator from Delaware [Mr. FREAR] and the Senator from Montana [Mr. MURRAY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Maine [Mr. PAYNE], and the Senator from Minnesota [Mr. THYE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

The Senator from Connecticut [Mr. PURTELL] is absent on official business.

The Senator from Kansas [Mr. SCHOEPPPEL] is detained on official business.

On this vote the Senator from Maine [Mr. PAYNE] is paired with the Senator from Kansas [Mr. SCHOEPPPEL]. If present and voting, the Senator from Maine would vote "yea," and the Senator from Kansas would vote "nay."

The result was announced—yeas 36, nays 47, as follows:

YEAS—36

Bennett	Case, S. Dak.	Ervin
Bush	Cooper	Goldwater
Byrd	Cotton	Green
Carlson	Curtis	Hickenlooper
Case, N. J.	Dirksen	Hoblitze

Hruska	Kuchel	Pastore
Ives	Langer	Potter
Javits	Lausche	Saltonstall
Johnston, S. C.	Malone	Smith, Maine
Jordan	Martin, Iowa	Smith, N. J.
Kennedy	Martin, Pa.	Watkins
Knowland	Morton	Wiley

NAYS—47

Alken	Fulbright	Morse
Allott	Gore	Mundt
Anderson	Hayden	Neuberger
Barrett	Hennings	O'Mahoney
Beall	Hill	Proxmire
Bible	Humphrey	Revercomb
Bricker	Jackson	Russell
Butler	Jenner	Smathers
Carroll	Johnson, Tex.	Sparkman
Chavez	Kefauver	Stennis
Church	Long	Symington
Clark	Magnuson	Thurmond
Douglas	Mansfield	Williams
Dworshak	McClellan	Yarborough
Eastland	McNamara	Young
Ellender	Monroney	

NOT VOTING—13

Bridges	Kerr	Schoeppel
Capehart	Murray	Talmadge
Flanders	Payne	Thye
Frear	Purtell	
Holland	Robertson	

So Mr. PASTORE's motion to recommit was rejected.

Mr. GORE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. HILL. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. CHURCH in the chair) The question is on agreeing to the motion of the Senator from Alabama to lay on the table the motion of the Senator from Tennessee to reconsider.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. CHURCH in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

AMENDMENT OF VIRGIN ISLANDS CORPORATION ACT

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 12226) to amend the Virgin Islands Corporation Act (63 Stat. 350), and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Texas. Has the Senator from Washington cleared this matter with the minority leader?

Mr. JACKSON. I have cleared it with the Senator from Utah [Mr. WATKINS].

The PRESIDING OFFICER. The Senator from Washington [Mr. JACKSON] is recognized.

Mr. JACKSON. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. BUTLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUTLER. What is the business before the Senate?

The PRESIDING OFFICER. The business now before the Senate has to do with sending a bill to conference.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Have the conferees been appointed?

The PRESIDING OFFICER. They have not been appointed.

The PRESIDING OFFICER appointed Mr. JACKSON, Mr. ANDERSON, and Mr. KUCHEL conferees on the part of the Senate.

MISBRANDING AND ADVERTISING OF TEXTILE FIBER PRODUCTS

The Senate resumed the consideration of the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I have an amendment at the desk which is similar to an amendment offered by the Senator from New Hampshire [Mr. BRIDGES] and other Senators; but inasmuch as the sense of my amendment is embodied in an omnibus amendment which will be offered by the Senator from Oklahoma, I shall withdraw my amendment in favor of the omnibus amendment.

I now yield to the Senator from Oklahoma in order that he may offer an amendment.

Mr. MONRONEY. Mr. President, Senators PROXMIRE, BUTLER, BRIDGES, COTTON, MARTIN of Pennsylvania, THURMOND, PASTORE, TALMADGE, and BEALL have introduced proposed amendments to this measure. For the sake of ease in handling them, I have incorporated them into one amendment which I now send to the desk, and which I desire to explain.

On page 10, starting on line 20, strike the words "or any term identified with furs."

Section 4 (g) was inserted at the request of the fur farm organizations so that the Federal Trade Commission could better supervise the marketing of pile cloth garments made to look as nearly as possible like fur. The deletion I have suggested has been agreed to by the fur

farm organizations and the manufacturers of pile cloth so as to make the section more workable.

Section 12 (a) (6) on page 18, as it now reads, would exempt from the bill "padding or cushions to be used under floor coverings." The House version would have exempted "backings of floor coverings." I now suggest that the two be combined so that both the backings and the pads or cushions would be exempt. The rug industry backs this change solidly.

The bill would exempt "sewing thread." I suggest amending section 12 (a) (7) so that it would read "sewing and handicraft threads." Senator TALMADGE, as well as producers from other States are interested in this change. Thread is made of one fiber, so that it is 100 percent of that fiber. There would seem no need to add the percentage to the labels of this product. Handicraft threads are used in homes for knitting and such. It should be exempt. The deletion of the numeral (7) from page 19, line 10, makes these threads completely exempt.

Add a new subsection (h) to section 4. The bill as reported would exempt upholstery stuffing. This change would require that only in the case of reused stuffing would a label be required. A few States now requires such labeling both as a protection to the consumer and as a health measure. It seems to us that making such a label uniform throughout the country would be a wise thing. These are the amendments I recommend, and I suggest they be voted on en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. PASTORE. Mr. President, I have been asked, on behalf of the Senator from Georgia [Mr. TALMADGE], to offer an amendment in which he is interested. It reads as follows:

On page 18, line 21, strike out the semicolon and insert in lieu thereof "and handicraft thread;"

Mr. MONRONEY. That amendment is included in the omnibus amendment, which includes nine-tenths of the amendments which have been submitted.

Mr. PASTORE. Mr. President, I ask unanimous consent that a statement prepared by the Senator from Georgia explaining his amendment be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TALMADGE

This amendment simply proposes to add handicraft threads to the list of materials exempted by section 12 (a) from the provisions of this act.

I point out that sewing thread already is one of the items specifically exempted and it would appear only fair and logical that handicraft threads should be treated in the same manner.

There are only two essential differences between sewing and handicraft threads.

Sewing threads are hard-finished, single-fiber yarns used primarily for machine sewing while handicraft threads are soft-finished, single-fiber yarns used principally in the various hand needlecraft arts of darn-

ing, mending, crocheting, tatting, embroidery, and handknitting.

Sewing threads generally are sold by the spool; handicraft threads, by the hank or skein.

Inasmuch as it already has been determined by the committee that sewing threads should be exempted from the provisions of this act, I submit that consistency dictates that handicraft threads likewise should be exempted as a matter of simple justice.

The purpose of this legislation is to protect the purchasers of fabrics and I cannot see how it will detract in the slightest from that purpose to exempt from its provisions handicraft threads which are not used—nor intended to be used—within the terms of this bill for fabricating into a fabric in the commercial sense.

I hope the amendment will be adopted.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. BUTLER. As I understand, the omnibus amendment comprehends the amendment which I offered in connection with reused stuffing.

Mr. MONRONEY. Yes. That is a very valuable part of the bill, and I think the Senator and his colleague are to be complimented for submitting the amendment.

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the RECORD in this connection a statement which I have prepared on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER

The purpose of the amendment is the same as that for the labeling act itself. The principle underlying these acts is that while the Government should not seek to set product quality standards, the purchaser should be protected to the extent of a label containing basic information about items, the composition of which is not readily apparent. In other words, it is a disclosure bill, for the protection of the consumer.

Many irresponsible manufacturers practice fraud upon the consumer of mattresses, furniture and other upholstered products through the use of second-hand filling material which is not labeled as such or is improperly labeled. In such cases the consumer has no way of knowing that he is not obtaining new, clean, and sanitary filling material for these personal items.

Although several States currently have laws governing the labeling of bedding materials, with few exceptions these State laws are poorly enforced. Most of the States back the staff and money for policing the laws, and frequently they are regarded primarily as a source of revenue rather than as a means of protecting the consumer.

The Federal Trade Commission advises that this area of commerce urgently needs regulation to avoid not only the fraud perpetrated upon the public, but also for the protection of public health. Mr. Harold A. Whittaker, Professional Associate, Academy Research Council, Washington, is of the opinion that used raw materials do constitute a serious health hazard in bedding and furniture. For support of this opinion, see National Academy of Sciences, National Research Council, Division of Medical Sciences, Committee on Sanitary Engineering and Environment, Minutes of 15th Meeting, June 4, 1957, page 8.

Dr. Milton J. Foter, United States Public Health Service, Cincinnati, states that investigation has shown that certain pathogenic fungi, virus, and bacteria, including

staphylococci, streptococci, and virus diseases can be transferred through the use of unsanitary used filling materials. Dr. Foter is chairman of L 12 subcommittee on bedding sterilization of the American Standards Association and adviser on military sanitation to the National Research Council.

A recent article in the May 17 issue of the Saturday Evening Post emphasizes the seriousness of this problem. Certain "strains of staphylococcus aureus are turning up in epidemic proportions as the cause of painful boils and abscesses, hard-to-cure infections of the digestive, urinary, and respiratory tracts, and fatal pneumonias. * * * It remains impervious to penicillin, streptomycin, aureomycin, and most other antibiotics. * * * It fights off and sometimes destroys the scavenging white blood corpuscles mobilized by the body to combat it. * * * It seems to be much more virulent than most staphylococci."

As the Post article points out, these germs which are resistant to so-called wonder drugs thrive best in the intimate contacts of home or hospital and is carried on such things as bedding and mattresses and other items which come into close contact with the body.

These items are the very same ones which find their way back into the trade channels and from which secondhand upholstery stuffing is obtained. It seems obvious that the public must be warned of the dangers to their health and well-being of such secondhand material, at least to the extent of our requiring a label, stamp, or tag showing the words plainly legible that the upholstered product contains reused upholstery, mattress, or cushion filling, or stuffing.

It is believed that a forewarned public will demand new material in these products with which they have intimate contact, and a salutary by-product will be the consumption of many thousands additional pounds of domestic textile materials, thus furthering one of the basic policies of the administration.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. JAVITS. I think the inclusion of handicraft thread is a real improvement.

I should like to ask the Senator a question. The one remaining thing about the bill that troubles me is that not enough tolerances are left to the Federal Trade Commission. I think we would be better off not to lash the commission absolutely to the 5 percent figure.

Mr. MONRONEY. It is not confined to the 5 percent figure.

Mr. JAVITS. Will the Senator state again for the RECORD exactly what latitude the Federal Trade Commission would have in its regulations, as the Senator understands the bill?

Mr. MONRONEY. As I understand the bill, up to 5 percent would be allowed for added fabric decorations. Up to that point, such additions need not be listed as a part of the fabric content. If the added fabric is more than 5 percent of the fabric content, it should be covered by the label on the fabric. However, the degree of error or variance as the cloth is woven is left open, with the proper rate of tolerance to be determined later by the Federal Trade Commission. We were not qualified to say that exactly the same percentage should be applied to all cloth. The Federal Trade Commission will be able to establish its own tolerances, so that a man would not be penal-

ized by reason of the fact that a certain fabric varied from the standard.

Mr. JAVITS. Whatever the commission considers to be a reasonable tolerance, under the circumstances, is permissible under the bill?

Mr. MONRONEY. That is the clear provision of the bill; and I believe that is the way in which the Commission would enforce it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. ALLOTT. There was so much confusion in the Chamber that I could not hear the Senator's answer awhile ago. Does the omnibus amendment do, with respect to carpeting, what the Talmadge amendment would have done?

Mr. MONRONEY. It does for carpeting what I believe the Bridges-Cotton amendment and the Talmadge amendment would do. The Talmadge amendment involved the addition of handicraft threads. So far as the Senator from Oklahoma knows, the omnibus amendment incorporates almost every amendment submitted by the Senators whose names I have read, namely, Senators PROXMIRE, BUTLER, BRIDGES, COTTON, MARTIN of Pennsylvania, THURMOND, PASTORE, TALMADGE, and BEALL.

Mr. ALLOTT. I thank the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a number of telegrams which I have received on this subject.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DELTA, COLO., July 30, 1958.

HON. GORDON C. ALLOTT,
United States Senator,
Senate Office Building,
Washington, D. C.:

We understand that the Senate will be considering textile labeling bill, H. R. 469, at any hour now. This bill contains several provisions beneficial to Colorado's two-hundred-odd fur farmers raising mink and foxes. As legislative representative of these fur farmers, we urge you to support for passage this legislation. I would appreciate being advised of its progress.

LLOYD W. GIBSON.

BROOMFIELD, COLO., July 30, 1958.

HON. GORDON C. ALLOTT,
United States Senate Office Building,
Washington, D. C.:

We sincerely urge you to act favorably on textile labeling bill, H. R. 469.

SHERMAN P. C. REED,
President, Rocky Mountain Fur
Farmers Co-op Association.

DENVER, COLO., July 31, 1958.

HON. GORDON ALLOTT,
United States Senator, State of Colorado,
United States Senate Office
Building, Washington, D. C.:

Request your support Senator TALMADGE's amendment to the labeling bill, H. R. 469. Senator TALMADGE's amendment exempts carpet backing materials from requirements of the bill. These backing materials are used for structural purposes only. Their identification is onerous and wasteful to carpet manufacturers, serves no useful purpose to the consumer, and only tends to confuse the consumer between backing materials and the surface or pile materials which represent most of the value of the carpet.

E. J. HORNER,
Bigelow Rugs and Carpets.

DENVER, COLO., July 31, 1958.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D. C.:

Inclusion carpet backing materials Textile Labeling Act adds no useful information for consumer. Misleads by implying backing materials as important as surface yarn. Complicates problem of selection by unnecessarily adding to factors to be evaluated. Urge elimination of carpet backing materials from labeling bill.

CARL H. HILEMAN.

DENVER, COLO., July 31, 1958.

Senators GORDON ALLOTT and JOHN CARROLL,
Washington, D. C.:

Inclusion carpet backing materials Textile Labeling Act adds no useful information for consumer. Misleads by implying backing materials as important as surface yarn. Complicates problem of selection by unnecessarily adding to factors to be evaluated. Urge elimination of carpet backing materials from labeling bill.

JOHN P. FLOOD,
Orchard & Wilhelm Co.

The PRESIDING OFFICER. The amendments offered by the Senator from Oklahoma [Mr. MONRONEY], which will be considered en bloc, will be stated.

The CHIEF CLERK. On page 10, lines 20 and 21, it is proposed to strike out "or any term identified with furs."

On page 11, after line 3, it is proposed to insert the following:

(h) For the purposes of this act, a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress or cushion containing such textile fiber product bears a stamp, tag, or label approved by the Commission indicating in words plainly legible that it contains reused stuffing.

On page 18, line 11, it is proposed to strike out the semicolon and insert in lieu thereof a comma and the following: "except as provided in section 4 (h)."

On page 18, line 19, immediately before the word "padding" it is proposed to insert "backings of and."

On page 18, line 21, it is proposed to strike out "thread" and insert in lieu thereof "and handicraft threads."

On page 19, lines 9 and 10, it is proposed to strike out "(3), (4), or (7)" and insert "(3) or (4)."

Mr. MAGNUSON. Mr. President, so far as the chairman of the committee is concerned, the amendments offered by the Senator from Oklahoma embody many of the minor technical amendments, and I shall be glad to accept them, if there is no objection on the part of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc, offered by the Senator from Oklahoma [Mr. MONRONEY].

The amendments were agreed to.

Mr. PASTORE. Mr. President, I should like to have the RECORD show that I am in favor of the Monroney amendments, and in favor of the bill as amended.

Mr. LANGER. Mr. President, I should like the RECORD to show that I favor enactment of the bill, as amended.

Mr. GOLDWATER. Mr. President, I

offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The CHIEF CLERK. On page 9, at the beginning of line 19, it is proposed to strike out all of subsection (e), as follows:

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

And to renumber the sections.

On page 12, line 8, it is proposed to strike out all of section 5 (c), as follows:

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains 1 or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

Mr. GOLDWATER. Mr. President, I have certain reservations about the bill. My chief objection deals with those parts of the bill covering the labeling of packaged items. Section 4 (e) provides that individual items in a package need not be labeled if the packaged products are intended for sale to the ultimate consumer as a package, and if the package is properly labeled as to the fiber content of the merchandise contained therein. Section 5 (c) requires that any person breaking a package which is labeled according to the provisions of this bill must label each article taken from that package.

These provisions would impose a completely unreasonable burden on retailers. Quite often customers only buy one item from the package supplied to the retailers by the manufacturer. If the individual items in the package are not labeled, retailers have three choices: They can either provide a label, decline the sale, or break the law by selling an unlabeled product.

Obviously, this is unreasonable from the retailer's standpoint. These provisions would require him to maintain a stock of labels at each sales counter showing the fiber content of every textile product sold from that counter. Retailers are simply not equipped to perform this task.

Therefore, I have prepared an amendment which would eliminate both these provisions, and offer it with the hope that it will be acceptable to the sponsors of the bill.

The PRESIDING OFFICER. The Senate will be in order. Senators who

desire to converse will please retire to the cloakrooms.

Mr. MAGNUSON. Mr. President, I believe the effect of the Senator's amendment is that when a package is labeled and everyone knows what is in it, and that package becomes broken or the contents become separated from one another, separate labeling of each item in the container would not be necessary. The amendment would not require putting individual labels on the items.

Mr. GOLDWATER. The Senator is correct. I should like to give a quick example. Let us say that there are cotton napkins contained in a package, and that each package contains a dozen napkins. The packages, each containing 12 napkins, are piled up on the counter. Let us assume that a customer buys six napkins. The retailer breaks the package and takes six napkins out of the package. Every package of 12 bears on it a label showing the fiber content of the merchandise, and the box in which the napkins were packed also shows the fiber content. It would be almost impossible for the retailer to stock enough labels with which to label each individual napkin.

Mr. MAGNUSON. I understand the purpose of the amendment. There was a great deal of testimony heard on the subject. I am willing to take the amendment to conference.

Mr. GOLDWATER. I thank the distinguished Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona. Without objection, the amendment is agreed to.

Mr. JOHNSTON of South Carolina. Mr. President, I call up the amendment identified as 7-18-58-B, submitted by the Senator from Georgia [Mr. TALMADGE]. He has asked me to have it called up.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 14, line 16, beginning with the word "Whenever", it is proposed to strike out all down through line 3 on page 15 and insert in lieu thereof the following:

Whenever the Commission—

(a) has reasonable cause to believe that any person is committing an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

(b) has issued a complaint under the Federal Trade Commission Act against the person committing such act; and

(c) believes that it would be in the public interest to enjoin the doing of such act until such complaint is dismissed by the Commission, or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Act, or until such order has been set aside by the court on review.

Mr. JOHNSTON of South Carolina. I make this statement on behalf of the Senator from Georgia [Mr. TALMADGE].

The purpose of the amendment, Mr. President, is to eliminate the great potential for harassment and abuse inherent in the broad injunctive power granted to the Federal Trade Commission in section 8.

As now written, that section provides that a person may be enjoined from something he is about to do and that the Commission may initiate injunction proceedings even before it has issued a formal complaint.

Such procedure, Mr. President, directly contravenes basic legal doctrine and the repeated rulings of the Federal courts that injunctive relief cannot be afforded in speculative instances. Furthermore, it is totally contrary to the American tradition of presumed innocence until proved guilty.

To authorize a Federal agency to seek court orders restraining persons thought or rumored to be about to do something would be ridiculous on its face; that is, unless such authorization is to be accompanied by supplemental authority for that agency to employ a staff of seers and mindreaders to tell it when and where such acts might be being contemplated.

The amendment would bring the injunctive authority into play whenever the Commission had:

First. Reasonable cause to believe a person actually is committing an act declared to be unlawful by this statute.

Second. Issued a complaint against such person under the Federal Trade Commission Act.

Third. Determined it would be in the public interest to enjoin such person pending adjudication of its specific complaints or orders.

It would appear to me, Mr. President, that such limited injunctive authority would be more than adequate to carry out the terms of the act.

Otherwise, I can foresee instances in which firms might be enjoined from the sale of their products in interstate commerce before the Commission has sufficiently conclusive evidence to warrant the filing of formal complaints. And such situations, under the bill now before the Senate, could be continued indefinitely.

I am convinced, Mr. President, that the Commission should be required to specify its charges in the form of specific complaints setting forth exact details about acts actually being committed before it is permitted to go into court to seek to enjoin firms from selling their products in interstate commerce.

It is the purpose of this measure to protect the public from the mislabeling of textile products.

I believe the Senate will agree, however, that the broad injunctive power contemplated by this bill as reported is neither in the public interest nor in keeping with American concepts of jurisprudence and free enterprise.

This measure is one which can be productive of great good for the consuming public and I hope this Senate will assure that it accomplishes that good by perfecting it with this amendment.

I have made the statement on behalf of the Senator from Georgia [Mr. TALMADGE].

Mr. MONRONEY. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Georgia through the Senator from South Carolina [Mr. JOHNSTON]. The

language in the bill dealing with this subject is the standard language used by the Federal Trade Commission in its enforcement procedures.

It has been in the Labeling Act for many years, and no one has had reason to complain about it. Most of it goes back through 17 years of experience. In issuing a complaint, it takes a considerable length of time for the complaint to be docketed, and so forth. In the meantime, the company against whom the Federal Trade Commission would proceed in trying to prevent a violation from the standpoint of mislabeling or fraudulent merchandising, if the amendment were adopted, could dispose of its entire stock before the Federal Trade Commission complaint could have been brought up. Therefore, it would negate the purposes of the act to protect the public, and would result in a flood of mislabeled and misbranded items. Therefore, I ask that the amendment be not adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. TALMADGE].

The amendment was rejected.

Mr. JAVITS. Mr. President, I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 8, lines 23 and 24, it is proposed to strike out subsection (4).

Mr. JAVITS. Mr. President, the amendment deals with what I consider to be a very vexing problem of draftsmanship in the bill which met with objection on the part of the Department of State. I think the Department of State is right.

The provision I seek to strike out reads as follows:

(4) If it is an imported textile fiber product the name of the country where processed or manufactured.

I believe that, in practical effect, if the bill is read carefully, the clause not only will result in compelling a manufacturer to set forth in his labeling not only the fiber content, but also, in respect of a particular fiber, will require him to say that that fiber was imported from wherever it was received—Austria, Germany, Japan, or anywhere else.

When the Senator from Illinois [Mr. DOUGLAS] raised this question, it was my distinct impression that the Senator from Washington sought to explain that that was not the intention of the bill; that the intention was simply to make the bill applicable to the total number of items imported from abroad.

First, I respectfully submit to the Senator from Washington that apparently the legal analysts in the Department of State analyzed that provision as I did.

Second, if we will turn to the definition of "textile fiber product" in this measure, I think inevitably a question of doubt will arise and, I believe, will have to be resolved in favor of requiring the labeling of the fiber right on the label, so that it will show that the fiber comes from a foreign country. That is what

the Department of State thought, and they recommended against the inclusion of the item.

Mr. MAGNUSON. I think the amendment of the Senator from New York clarifies that matter. I shall be glad to accept it.

Mr. ERVIN. Mr. President, some persons are desirous of knowing where things are made, just as they are desirous of knowing the fiber contents of articles. I do not see why we should adopt an amendment which might lead a person to believe that an article which was manufactured in a foreign country was manufactured in the United States. Therefore, I oppose the amendment. I think if we make it possible for a person to know what is in a garment, we should make it possible for him to know everything about the garment.

I think the bill should be left so that it will permit the operation of the tariff clause.

Mr. MAGNUSON. That is exactly what the amendment does. The subsection in question does not appear to add anything to the rest of the language. Taking it out of the bill will not make any difference.

Mr. ERVIN. My position is that if we do not propose to let people be misled on one thing, we should not allow them to be misled on another.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. [Putting the question.] The ayes appear to have it. The ayes have it. The amendment is agreed to.

Mr. ERVIN. Mr. President, a division.

The PRESIDING OFFICER. The Chair points out to the Senator from North Carolina that the result of the vote has been announced. It is too late for a division.

Mr. ERVIN. Mr. President, I ask unanimous consent that we may have a division.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. JAVITS. Mr. President, reserving the right to object, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from New York will state his parliamentary inquiry.

Mr. JAVITS. Was the result announced?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Then, I object to the request of the Senator from North Carolina.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DIRKSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, and to be read a third time.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the RECORD show, prior to the vote, that I support the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read the third time and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INCORPORATION OF JEWISH WAR VETERANS, U. S. A., NATIONAL MEMORIAL, INC.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2485, H. R. 109.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 109) to incorporate the Jewish War Veterans, U. S. A., National Memorial, Inc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the following-named persons, to wit: Ben Kaufman, Trenton, N. J.; William Berman, Westbrook, Maine; Joseph Gilman, Manchester, N. H.; Capt. Louis H. Albrand, Burlington, Vt.; Mrs. Ethel Cohen, Providence, R. I.; Paul J. Robin, Providence, R. I.; Frederick S. Harris, Meriden, Conn.; Edward Lettick, New Haven, Conn.; William Carmen, Brookline, Mass.; David Lasker, Boston, Mass.; Mrs. Sarah Stone, Brighton, Mass.; Harry D. Henshel, New York, N. Y.; Capt. Joshua Goldberg, New York, N. Y.; Sol Masch, New York, N. Y.; Sam Slutsky, Peekskill, N. Y.; I. T. Rockman, Harrisburg, Pa.; Harry H. Schaffer, Pittsburgh, Pa.; Dr. David Coyne, Hoboken, N. J.; Edward Nappen, Atlantic City, N. J.; Howard M. Berg, Wilmington, Del.; Samuel Michaelson, Baltimore, Md.; Louis E. Spiegler, Washington, D. C.; Joseph F. Barr, Washington, D. C.; Joseph A. Reshefsky, Portsmouth, Va.; Edward Leyton, High Point, N. C.; Dr. Harry Appel, Charleston, S. C.; Harry Harrison, Atlanta, Ga.; Paul Ginsberg, Atlanta, Ga.; Harry Cohen, Miami Beach, Fla.; Louis B. Lepp, Birmingham, Ala.; Edwin I. Baer, Louisville, Ky.; Dr. Yale Burke, South Bend, Ind.; Harry T. Madison, Oak Park, Mich.; William Bobier, Phoenix, Ariz.; Samuel Shalkewitz, St. Louis, Mo.; Maj. Gen. Julius Klein, Chicago, Ill.; Nathan Rakita, Milwaukee, Wis.; Myer Dorfman, St. Paul, Minn.; Hyman Greenspan, Dallas, Tex.; Harold Freeman, Phoenix, Ariz.; Harry Pells, Denver, Colo.; Hy Weltzman, San Bernardino, Calif.; Don Kapner, Seattle, Wash.; Sherman Z. Lipstein, Omaha, Nebr.; William

Stern, Fargo, N. Dak.; and their successors, are hereby created and declared to be a non-profit body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Jewish War Veterans, U. S. A., National Memorial, Inc. (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained:

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with the provisions of this act, and the doing of such other acts as may be necessary for such purpose.

PRINCIPLES AND OBJECTS OF THE CORPORATION

SEC. 3. The principles and objects of the corporation shall be—

(a) to maintain and conduct a national memorial and museum dedicated to, and commemorating the service and sacrifice in the Armed Forces of the United States during the period of war by Americans of the Jewish faith;

(b) to gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, and so forth, for the purpose of preserving the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed services of the United States in time of war; and

(c) to stimulate patriotism in the minds of all Americans by encouraging the study of the military and naval history of our Nation.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(a) to have succession by its corporate name;

(b) to sue and be sued, complain and defend in any court of competent jurisdiction;

(c) to adopt, use, and alter a corporate seal;

(d) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, for the management of its property and the regulation of its affairs; said constitution and bylaws should likewise not be inconsistent with the laws of any State in which the corporation is to operate;

(e) to contract and be contracted with;

(f) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm, or individual, and to hold any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(g) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property; and

(h) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Washington, D. C., but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall at all times maintain in its headquarters in the District of Columbia a designated agent to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the headquarters of the organization in the said District of Columbia, shall be deemed notice or service upon the said corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. (a) Upon the enactment of this act, the initial board of directors of the corporation shall consist of the present officers and members of the board of directors of the existing corporation, entitled "Jewish War Veterans U. S. A., National Memorial, Inc.", an organization incorporated under the laws of the District of Columbia.

(b) Thereafter, the board of directors of the corporation shall be of such number (not less than 36) who shall be selected in such manner, including the filling of vacancies, and serve such terms as shall be prescribed under the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finances of the corporation.

OFFICERS; ELECTION OF OFFICERS

SEC. 7. (a) The officers of the corporation shall be a president and such number of vice presidents as shall be provided for in the constitution and bylaws, as well as a secretary and treasurer.

(b) The officers of the corporation shall be elected in such manner and for such terms as well as with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any officer or director or be distributable to any such person. Nothing in this section, however, shall be construed to prevent the payment of compensation to the officers or employees of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loans, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 9. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 10. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 11. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 12. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote.

All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 13. (a) The financial transactions shall be audited annually, at the end of the fiscal year established by the corporation, by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than 6 months following the close of such fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 14. Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto. Nothing in this section shall be construed so as to permit any such assets being distributed to any officer or employee or inuring to the benefit of any private person.

TRANSFER OF ASSETS

SEC. 15. The corporation may acquire the assets of the Jewish War Veterans, U. S. A., National Memorial, Inc., a body corporate organized under the laws of the District of Columbia, upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such corporation and upon complying with all the laws of the District of Columbia applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 16. The right to alter, amend, or repeal this act is expressly reserved.

Mr. JOHNSON of Texas. Mr. President, the purpose of the bill, as proposed to be amended, is to grant a Federal charter to the Jewish War Veterans, U. S. of A., National Memorial, Inc.—

(a) to maintain and conduct a national memorial and museum dedicated to and commemorating the service and sacrifice in the Armed Forces of the United States during the period of war by Americans of the Jewish faith;

(b) to gather, collate, edit, publish, and exhibit the memorabilia, data, records, military awards, decorations, citations, etc., for the purpose of preserving the memories and records of patriotic service performed by men and women of the Jewish faith while in the armed services of the United States in time of war; and

(c) to stimulate patriotism in the minds of all Americans by encouraging the study of

the military and naval history of our Nation.

The bill was reported unanimously from the Judiciary Committee by the Senator from Wyoming [Mr. O'MAHONEY], and I hope the Senate will take action on the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HICKENLOOPER. Mr. President, will the Senator from Texas yield for a question?

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Does the Senator from Texas yield to the Senator from Iowa?

Mr. JOHNSON of Texas. I yield.

Mr. HICKENLOOPER. Have any other religious groups of American war veterans been granted charters by the Federal Government?

Mr. JOHNSON of Texas. I am not informed as to that.

Mr. HICKENLOOPER. Is there present in the Chamber any Senator who can give me that information?

Mr. DIRKSEN. This is a memorial.

Mr. HICKENLOOPER. I do not object, if it is a memorial. But some years ago, I opposed the granting of a charter which was proposed in the case of the French-American War Veterans. I would oppose the granting of a Federal charter to the veterans who belong to my own church, to the Methodist War Veterans. I would oppose the granting of a Federal charter to any particular group. I do not oppose having the groups organize; but I believe that if a Federal charter is to be granted, it should be granted to an organization that includes all veterans, regardless of race, color, or creed.

I should like to have the purpose of the pending measure clarified, because if the purpose is to have a Federal charter granted to a particular group which is not open to membership by all veterans, I shall oppose passage of the bill.

Mr. DIRKSEN. This case, as distinguished from those in which charters heretofore have been issued to organizations—

Mr. HICKENLOOPER. Such as the American Legion?

Mr. DIRKSEN. Yes—this one is for the purpose of a memorial. The basic purpose is the construction, in the District of Columbia, of a museum in which such records can be deposited.

Mr. HICKENLOOPER. Would the museum include records for other groups?

Mr. DIRKSEN. No. This is the only group that appeared before the committee, and this is the only one which made the request.

I read from the report on the bill:

This legislation, as amended, would incorporate a national memorial and museum dedicated to and commemorating the service of Americans of the Jewish faith in the Armed Forces of the United States. In this memorial it is intended not only to memorialize the sacrifices of those who died in the Nation's service, but also to establish a repository for memorabilia symbolizing the ideals for which these men fought. It is contemplated that there will be gathered

and safeguarded here the story of American Jewish patriotism so that both the ordinary citizen and the scholar may readily ascertain the part played by the Jewish citizen in the military history of this country. It is hoped that this shrine will not only symbolize the sacrifices of American Jewish fighting men on behalf of their country, but will also be a reminder of the freedom which they have found in that country. The committee is of the view that a Federal charter will be of great value in giving prestige and recognition to this worthy purpose.

Mr. HICKENLOOPER. Will the Federal Government have to make any payment in connection with this matter?

Mr. DIRKSEN. No. This bill is for a memorial, and no expense will inure to the Federal Government.

Mr. HICKENLOOPER. I have no objection to a memorial of this kind. But certainly I would object to a request to have the Federal Government permit the establishment, in connection with military service to the country, of a specialized group not open to all veterans.

But if this is not to be financed by the Federal Government—

Mr. DIRKSEN. This matter involves absolutely no financial obligation on the part of the Federal Government.

Mr. HICKENLOOPER. I am sorry I do not know more about the proposal. I did not even know it was to be considered.

Mr. DIRKSEN. This measure was handled in the Judiciary Committee by the Senator from Wyoming [Mr. O'MAHONEY]. But I know this matter does not involve any expense to the Federal Government.

Mr. HICKENLOOPER. Then why is it the subject of a request for Federal action?

Mr. DIRKSEN. Memorials have heretofore been incorporated by Federal action, although they do not come readily to my mind.

But in the present instance, the matter is of quite a different kind, as compared to the issuance of a charter to an organization such as the Veterans of Foreign Wars.

Mr. HICKENLOOPER. Then am I assured that the enactment of this measure will not constitute a precedent?

Mr. DIRKSEN. I am reasonably sure it will not constitute a precedent; but I shall have to ask others about organizations which have had similar memorials.

Mr. HICKENLOOPER. Proposals of this kind have been before us before. Although I am not at all opposed to recognition of this sort, I feel that when military service to one's country in time of war is involved, there should be no differentiation because of any special associations or special groups.

Mr. DIRKSEN. I am advised by the staff that this is the first request of this kind that has come before us.

Mr. HICKENLOOPER. I am still in a quandary. Inasmuch as this is the first of its sort, it would constitute a precedent. Basically, I think that it would be bad practice. Once such a precedent were established, I believe a flood of such proposals would come before us.

Mr. DIRKSEN. I believe I have explained the bill.

Aug. 21, 1958

The Senate later in the day agreed to the conference report on the bill, but insisted on its two amendments (relative to the National Aeronautics and Space Administration and Information Media Guaranty Fund items), requested a further conference with the House, and appointed conferees. pp. 17319-23
For other items of interest to this Department, see Digest 144.

2. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 12858, the public works appropriation bill for 1959. This bill will now be sent to the President. pp. 17323-35, 17231-35
3. TEXTILES. Conferees were appointed by both Houses on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, after the House disagreed with the Senate amendments. pp. 17282, 17369-70
4. MINERALS. House continued debate on S. 4036, to provide production payments to certain mineral producers to stabilize the price of certain minerals. pp. 17261-76
5. WHEAT. Received from the President a veto message on H. R. 11581, to remove imported wheat for seed which has been treated without poisonous substances from the "Unfit for human consumption" category of section 22 of the Agricultural Adjustment Act of 1933 as amended, and which would have increased import duties on such wheat. The President cited the lack of evidence that there was any harm resulting from present imports, and the bilateral trade agreement with Canada, in his message (H. Doc. 441). pp. 17276-7
6. WATER RESOURCES. Concurred in the Senate amendments to H. R. 5497, to authorize Federal assistance for certain fish and wildlife development projects under the Watershed Protection and Flood Prevention Act. This bill will now be sent to the President. p. 17277
7. CHEMICAL ADDITIVES. Passed with amendment H. R. 9521, to amend the Federal Food, Drug, and Cosmetic Act so as to revise the definition of the term "chemical additive" to provide that it shall not include any pesticide chemicals when used in or on any raw agricultural commodity which is produced from the soil. pp. 17285-86
8. FORESTRY. Passed with amendment H. R. 12281, to authorize the Secretary of the Interior to exchange lands to provide for an administrative site in the El Portal area of the Yosemite National Park, Calif., including the exchange of National Forest lands. pp. 17287-88
9. FARM PROGRAM. Rep. Hill discussed improvements in farm conditions, stating that "this has been a very significant year for American agriculture and I think it most appropriate as this Congress is about to conclude its business that we pause and consider some of the gains achieved for our farmers and ranchers," and inserted his statement, "Agricultural Accomplishments 1953-58." pp. 17300-01
10. VIRGIN ISLANDS. Concurred in the Senate amendments to H. R. 12303, to amend the Revised Organic Act of the Virgin Islands, including removal of the Virgin Islands from the Bureau of Customs jurisdiction on imports, including agricultural quarantines. This bill will now be sent to the President. p. 17281

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 21, 1958
For actions of August 20, 1958
85th-2d, No. 145

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HIGHLIGHTS: Supplemental appropriation bill returned to conference. Rep. Hill commended improvement in farm conditions. House received President's veto message on treated wheat seed import bill.

HOUSE

1. SUPPLEMENTAL APPROPRIATION BILL, 1959. Agreed to the conference report on this bill, H. R. 13450, and insisted upon its disagreement to two Senate amendments. pp. 17235-57

Agreed to a motion by Rep. Cannon to provide \$500,000 additional, instead of \$1,000,000 as proposed by the Senate, for the contingency fund to be used to meet a recent infestation of pink bollworm in the Southwest. p. 17242

Agreed to a motion by Rep. Cannon to provide \$50,000, instead of \$100,000 as proposed by the Senate, for operations of the Outdoor Recreation Resources Review Commission. p. 17247

Concurred in the Senate amendment authorizing the use of the equivalent of \$5,100,000 in foreign currencies accruing under Title I of Public Law 480 for the translation of publications and scientific cooperation. Of this amount, it is estimated this Department will receive allocations of \$375,000 for translation and \$3,900,000 for cooperative scientific research. p. 17241

TO AMEND PUBLIC LAW 85-422

Mr. KILDAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3966) to amend Public Law 85-422.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That (a) section 4 (a) of Public Law 85-422 is amended by striking out "and persons with two or less years of service for basic pay purposes who were retired for physical disability or placed on the temporary disability retired list."

(b) This amendment shall take effect on June 1, 1958.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

TO AMEND THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. O'BRIEN of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 12303) to amend the Revised Organic Act of the Virgin Islands, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 19, after "may", insert ", with the concurrence of the Governor."

Page 3, line 4, after "comptroller," insert "or if the Governor does not concur in the taking of an appeal to the Secretary."

Page 3, strike out lines 19 to 24, inclusive, and insert:

"SEC. 7. The last sentence of section 24 of said act is amended to read as follows: 'The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.'"

Page 4, strike out lines 9 to 18, inclusive.

Page 4, strike out all after line 18 over to and including line 4 on page 5.

Page 5, line 5, strike out "12" and insert "10."

Page 5, line 8, strike out all after "government" down to and including "government," in line 10.

Page 5, line 16, after "the" where it appears the second time insert "public interest by."

Page 5, line 21, strike out "13" and insert "11."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BALDWIN. Mr. Speaker, reserving the right to object, will the gentleman tell me if this has been cleared with the ranking member of the Committee on Interior and Insular Affairs?

Mr. O'BRIEN of New York. It has.

Mr. BALDWIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3268) to amend the National Science Foundation Act of 1950, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. WOLVERTON. Mr. Speaker, reserving the right to object, will the gentleman explain to the House the purpose of the legislation?

Mr. HARRIS. This is a bill to amend the National Science Foundation Act. The purpose of the legislation is to facilitate the operation of the National Science Foundation by permitting the 24-man National Science Board to delegate authority to its executive committee or to the director of the Foundation. It is requested by the National Science Foundation as necessary to the administration of the act.

Mr. WOLVERTON. Mr. Speaker, this meets the entire accord of the committee on this side, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the National Science Foundation Act of 1950, as amended, is amended in the following manner:

Section 4 (d) and section 4 (e) of the National Science Foundation Act of 1950, as amended, are amended to read as follows:

"(d) The Board shall meet annually on a day during the last 2 weeks of May and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail mailed to his last-known address of record not less than 15 days prior to any meeting, of the call of such meeting.

"(e) The first chairman and vice chairman of the Board shall be elected by the Board to serve until the first Monday in December next succeeding the date of election at which time a chairman and vice chairman shall be elected for a term of 2 years. Thereafter such election shall take place at the second annual meeting occurring after each such election. The vice chairman shall perform the duties of the chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy."

SEC. 2. Section 5 (b) of the National Science Foundation Act of 1950, as amended, is amended to read as follows:

"(b) In addition to the powers and duties specifically vested in him by this act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by sections 10 and 11 of this act, together with such other powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 10 or 11 (c) unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from

the Board to the Director or to the executive committee."

SEC. 3. Section 6 (a) and section 6 (b) (1) of the National Science Foundation Act of 1950, as amended, are amended to read as follows:

"SEC. 6. (a) The Board is authorized to appoint from among its members an executive committee, and to assign to the executive committee such of the powers and functions granted to the Board by this act as it deems appropriate; except that the Board may not assign to the executive committee the function of establishing policies.

"(b) If an executive committee is established by the Board—

"(1) such committee shall consist of the Director, as a nonvoting ex officio member, and not less than 5 nor more than 9 other members elected by the Board from among their number;

"(2) the term of office of each voting member of such committee shall be 2 years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of 4 of the members first elected after the date of enactment of this act shall be 1 year;

"(3) any person who has been a member of such committee for 6 consecutive years shall thereafter be ineligible for election during the 2-year period following the expiration of such sixth year;

"(4) the membership of such committee shall, so far as practicable, be representative of diverse interests and shall be so chosen as to provide representation, so far as practicable, for all areas of the Nation;

"(5) such committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the executive committee shall be included in such reports."

SEC. 4. Section 10 of the National Science Foundation Act of 1950, as amended, is amended, to read as follows:

"SEC. 10. The Foundation is authorized to award, within the limits of funds made available specifically for such purpose pursuant to section 16, scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, medical, biological, engineering, and other sciences at appropriate nonprofit American or nonprofit foreign institutions selected by the recipient of such aid, for stated periods of time. Persons shall be selected for such scholarships and fellowships from among citizens of the United States, and such selections shall be made solely on the basis of demonstrated and potential ability; but in any case in which 2 or more applicants for scholarships or fellowships, as the case may be, are deemed by the Foundation to be possessed of substantially equal ability, and there are not sufficient scholarships or fellowships, as the case may be, available to grant 1 to each of such applicants, the available scholarship or scholarships or fellowship or fellowships shall be awarded to the applicants in such manner as will tend to result in a wide distribution of scholarships and fellowships among the States, Territories, possessions, and the District of Columbia."

SEC. 5. Section 11 (c), section 11 (d), and section 11 (e) of the National Science Foundation Act of 1950, as amended, are amended to read as follows:

"SEC. 11. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this act, including, but without being limited thereto, the authority—

"(c) to enter into contracts or other arrangements, or modifications thereof, for the carrying on, by organizations or individuals in the United States and foreign countries, including other Government agencies of the United States and of foreign countries, of such scientific activities as the foundation deems necessary to carry out the purposes of this act, and, at the request of the Secretary of Defense, specific scientific activities in connection with matters relating to the national defense, and, when deemed appropriate by the foundation, such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes;

"(d) to make advance, progress, and other payments which relate to scientific activities without regard to the provisions of section 3648 of the Revised Statutes (31 U. S. C. 529);

"(e) to acquire by purchase, lease, loan, gift, condemnation, or otherwise, and to hold and dispose of by grant, sale, lease, loan, or otherwise, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this act."

SEC. 6. Section 13 (a) of the National Science Foundation Act of 1950, as amended, is amended to read as follows:

"SEC. 13. (a) The Foundation is hereby authorized to facilitate any international scientific activities consistent with the purposes of this act and to expend for such international scientific activities such sums within the limit of appropriated funds as the Foundation may deem desirable. The Director, with the approval of the Board, may defray the expenses of representatives of Government agencies and other organizations and of individual scientists to accredited international scientific congresses and meetings whenever he deems it necessary in the promotion of the objectives of this act. In this connection, with the approval of the Secretary of State, the Foundation may undertake programs granting scholarships and fellowships to, or making other similar arrangements with, foreign nationals for scientific study or scientific work in the United States or foreign countries without regard to section 10 or the affidavit of allegiance to the United States required by section 15 (d) (2) of this act."

SEC. 7. Section 13 (b) of the National Science Foundation Act of 1950, as amended, is amended by inserting in lieu thereof a new section 13 (b) as follows:

"(b) The Foundation is also authorized, with the approval of the Secretary of State, to undertake programs providing for the conduct or facilitation of such other scientific activities abroad as are deemed to be in the interest of the United States."

SEC. 8. Section 13 of the National Science Foundation Act of 1950, as amended, is further amended by renumbering former section 13 (b) to become section 13 (c) and by amending section 13 (c) (1) to read as follows:

"(c) (1) The authority to enter into contracts or other arrangements with organizations or individuals in foreign countries and with agencies of foreign countries, as provided in section 11 (c), and the authority to facilitate international scientific activities as provided in subsections (a) and (b) of this section, shall be exercised only with the approval of the Secretary of State, to the end that authority to undertake such programs shall be exercised in such manner as is consistent with the foreign policy objectives of the United States."

"(2) If, in the exercise of the authority referred to in paragraph (1) of this subsection, negotiation with foreign countries or agencies thereof becomes necessary, such

negotiation shall be carried on by the Secretary of State in consultation with the Director."

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS of Arkansas:

Strike out all after the enacting clause of the bill S. 3268 and insert the provisions of the bill H. R. 11257 as amended by the committee.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

A similar House bill (H. R. 11257) was laid on the table.

TRADING WITH THE ENEMY ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 11668) to amend section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 10, strike out "\$5,000,000" and insert "\$3,750,000."

Page 2, line 2, after "amended," insert "There is hereby authorized to be appropriated to the Attorney General such sums as may be necessary to replace the sums deposited by him pursuant to this subsection."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. WOLVERTON. Mr. Speaker, reserving the right to object, and I shall not object, because there is entire accord in this legislation on this side, does the gentleman from Arkansas wish to make any further statement?

Mr. HARRIS. I shall be glad briefly to explain to the House that the purpose of the legislation, as amended, would be to transfer funds from the proceeds of liquidated vested assets under the jurisdiction of the Attorney General into the War Claims Fund in order to satisfy unpaid awards heretofore made under the War Claims Act of 1948, as amended. The House passed the bill transferring a total of \$5 million. The Senate reduced that amount to \$3,750,000.

Mr. WOLVERTON. Mr. Speaker, I withdraw my reservation of objection.

(Mr. McCORMACK, at the request of Mr. HARRIS, was given permission to extend his remarks at this point in the RECORD.)

[Mr. McCORMACK addressed the House. His remarks will appear hereafter in the Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TEXTILE FIBER PRODUCTS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? (After a pause.) The Chair hears none, and appoints the following conferees: Messrs. HARRIS, WILLIAMS of Mississippi, MACK of Illinois, WOLVERTON, and BENNETT of Michigan.

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. LANE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4169) to amend the act of June 10, 1938, relating to participation by the United States in the International Criminal Police Organization. I may say that this is identical with the bill we had on the Consent Calendar Monday, H. R. 13354.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the act of June 10, 1938, c. 335, 52 Stat. 640 (22 U. S. C. 263a) is amended to read as follows: "That the Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed \$25,000 per annum." Passed the Senate August 18 (legislative day, August 16), 1958.

Attest:

Secretary.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOUTHWEST RESEARCH INSTITUTE

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1494) for the relief of the Southwest Research Institute, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "the sum of \$8,200.84," and insert "such sum, not exceeding \$8,200.84, as the Housing and Home Finance Administrator may accept as allow-

I should like to raise the same question which my distinguished friend the Senator from Georgia [Mr. RUSSELL] raised earlier, as to whether it is a proper motion under the parliamentary rules which govern the Senate.

What is the present parliamentary situation? Has the Senator from Arkansas withdrawn his motion?

The VICE PRESIDENT. The present parliamentary situation is that the question is on the motion of the Senator from Utah [Mr. BENNETT] to lay on the table the motion of the Senator from Arkansas [Mr. McCLELLAN] to reconsider the vote by which the motion to lay on the table the amendment of the Senator from Arkansas was rejected.

Mr. CLARK. Has the Chair ruled on my parliamentary inquiry, which was whether that motion was in order or not?

The VICE PRESIDENT. The motion is in order.

Mr. CLARK. This question arose—

Mr. BENNETT. Mr. President, a motion to lay on the table is not debatable.

The VICE PRESIDENT. The Senator is correct. It is not debatable.

Mr. CLARK. I appeal the ruling of the Chair, and ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CASE of New Jersey and Mr. CARROLL addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JOHNSON of Texas. Has the motion to reconsider been made?

The VICE PRESIDENT. It has been made.

Mr. JOHNSON of Texas. Has the motion to lay on the table been made?

The VICE PRESIDENT. Both motions have been made.

Mr. JOHNSON of Texas. Have the yeas and nays been ordered?

The VICE PRESIDENT. The yeas and nays have not been ordered.

Mr. JOHNSON of Texas. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the vote to be on the appeal from the ruling of the Chair?

The VICE PRESIDENT. The vote is to be on the motion of the Senator from Utah.

Mr. McCLELLAN. Is it my understanding that the appeal from the ruling of the Chair has been withdrawn?

Mr. CLARK. It has not.

Mr. McCLELLAN. I ask for action on the appeal from the ruling of the Chair.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. CLARK. Mr. President, I withdraw that appeal.

The VICE PRESIDENT. The appeal is debatable.

Mr. CLARK. I withdraw my appeal.

The VICE PRESIDENT. The Senator withdraws the appeal.

The question now is on the motion of the Senator from Utah [Mr. BENNETT] to lay on the table the motion of the Senator from Arkansas [Mr. McCLELLAN] to reconsider the vote by which the motion to lay on the table the amendment of the Senator from Arkansas was rejected. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. On this motion, is a vote "nay" a vote to reconsider?

The VICE PRESIDENT. In effect, what the Senator states is correct.

Mr. HUMPHREY. I thank the Chair.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. McCLELLAN. Will a vote "yea" on this motion sustain the action the Senate just took on the previous vote?

The VICE PRESIDENT. The Senator is correct.

The legislative clerk proceeded to call the roll.

Mr. CASE of South Dakota (when his name was called). On this vote I have a pair with the Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the senior Senator from Florida [Mr. HOLLAND]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], and the Senator from Florida [Mr. HOLLAND] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from Kansas [Mr. CARLSON], and the Senator from Maine [Mr. PAYNE] are necessarily absent.

The Senator from Vermont [Mr. FLANDERS] is absent because of illness in his family.

The Senator from Nebraska [Mr. HRUSKA] and the Senator from New York [Mr. IVES] are absent on official business.

The pair of the Senator from Nebraska [Mr. HRUSKA] has been previously announced.

If present and voting, the Senator from Maine [Mr. PAYNE] would vote "yea."

The result was announced—yeas 47, nays 40, not voting 9, as follows:

YEAS—47

Allott	Goldwater	Potter
Barrett	Hickenlooper	Revercomb
Bennett	Hill	Robertson
Bricker	Hoblitzell	Russell
Bridges	Jenner	Schoeppel
Butler	Johnston, S. C.	Smathers
Byrd	Jordan	Smith, Maine
Capehart	Kerr	Sparkman
Cotton	Knowland	Stennis
Curtis	Lausche	Talmadge
Dirksen	Long	Thurmond
Dworshak	Malone	Thye
Eastland	Martin, Iowa	Watkins
Ellender	Martin, Pa.	Williams
Ervin	McClellan	Young
Fulbright	Mundt	

NAYS—40

Aiken	Hayden	Morton
Anderson	Hennings	Murray
Beall	Humphrey	Neuberger
Bible	Jackson	O'Mahoney
Bush	Javits	Pastore
Carroll	Johnson, Tex.	Proxmire
Case, N. J.	Kefauver	Partell
Chavez	Kennedy	Saltonstall
Church	Kuchel	Smith, N. J.
Clark	Langer	Symington
Cooper	Mansfield	Wiley
Douglas	McNamara	Yarborough
Gore	Monroney	
Green	Morse	

NOT VOTING—9

Carlson	Frear	Ives
Case, S. Dak.	Holland	Magnuson
Flanders	Hruska	Payne

So Mr. BENNETT's motion to lay on the table Mr. McCLELLAN's motion to reconsider the vote by which the motion to lay on the table Mr. McCLELLAN's amendment was rejected, was agreed to.

Mr. CARROLL. Mr. President—

The VICE PRESIDENT. The Senator from Colorado.

Mr. CARROLL. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CARROLL. What is the present legislative situation? As I understand the situation, earlier in the evening the Senate proceeded to consider a bill entitled S. 654, the so-called Bridges bill. Is it true that a substitute known as the McClellan substitute was offered, which incorporated H. R. 3 and at the same time incorporated the provisions of S. 654? What is the parliamentary situation at this time?

The VICE PRESIDENT. The question is on agreeing to the substitute amendment of the Senator from Arkansas, as amended.

Mr. CARROLL. That is the pending question?

The VICE PRESIDENT. That is the question before the Senate at this time.

Mr. CARROLL. Mr. President, I move—

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. JOHNSON of Texas. Mr. President, may we have order?

The VICE PRESIDENT. The Senator from Colorado has the floor. The Senate will be in order.

Mr. CARROLL. Mr. President, I move to recommit the bill to the Committee on the Judiciary. I do so for two reasons. It ought to be very clear to everyone—

Mr. JOHNSON of Texas. Mr. President will the Senator yield to me?

Mr. CARROLL. I will yield to the Senator from Texas with the understanding that I do not lose my right to the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

PROTECTION OF PRODUCERS AND CONSUMERS AGAINST MISBRANDING AND FALSE ADVERTISING OF FIBER CONTENT OF TEXTILE FIBER PRODUCTS

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbrand-

ing and false advertising of the fiber content of textile fiber products, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. MONRONEY, Mr. BIBLE, Mr. SCHOEPEL, and Mr. BUTLER conferees on the part of the Senate.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ENFORCEMENT OF STATE STATUTES PRESCRIBING CRIMINAL PENALTIES FOR SUBVERSIVE ACTIVITIES—AMENDMENT

Mr. DOUGLAS (for himself, Mr. JAVITS, Mr. MORSE, Mr. CASE of New Jersey, Mr. HUMPHREY, Mr. McNAMARA, and Mr. NEUBERGER) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 654) to amend title 18, United States Code, to authorize the enforcement of State statutes prescribing criminal penalties for subversive activities, which was ordered to lie on the table and to be printed.

Mr. KEFAUVER submitted an amendment, intended to be proposed by him to Senate bill 654, supra, which was ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT, RELATING TO USE IN FOOD OF CERTAIN ADDITIVES—AMENDMENTS

Mr. DIRKSEN submitted amendments, intended to be proposed by him, to the bill (H. R. 13254) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety, which were ordered to lie on the table, and to be printed.

Mr. WILLIAMS submitted amendments, intended to be proposed by him, to House bill 13254, supra, which were ordered to lie on the table, and to be printed.

CORRECTION OF THE RECORD

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have the permanent CONGRESSIONAL RECORD corrected. On August 18, 1958, at page 1675, in column 2, in the first line of the third paragraph from the bottom of said column, my statement reads:

America could live forever with integration in the schools—

And so forth.

I said:

America could live forever without integration in the schools—

And so forth.

I ask that the permanent RECORD be corrected accordingly.

The PRESIDING OFFICER. The correction will be made.

ADDITIONAL APPENDIX MATTER

By Mr. CASE of South Dakota, essays entitled "What's Wrong With Communism?" and "International Communism", written by Barbara Test and Belva Trask, of Custer, South Dakota.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, August 20, 1958, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 765. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.;

S. 1542. An act for the relief of Lori Biagi;

S. 2043. An act for the relief of Genoveffa Mighozzi;

S. 2530. An act to designate the beneficiary of the equitable title to land purchased by the United States and added to the Rocky Boy's Indian Reservation, Mont.;

S. 2592. An act to amend the law relating to the execution of contracts with Indian tribes;

S. 2594. An act to transfer certain property and functions of the Housing and Home Finance Administrator to Secretary of the Interior, and for other purposes;

S. 2850. An act for the relief of Maria Pontillo;

S. 2922. An act to authorize per capita to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes;

S. 3139. An act to repeal the act of July 2, 1956, concerning the conveyance of certain property of the United States to the village of Carey, Ohio;

S. 3203. An act relating to minerals on the Wind River Indian Reservation in Wyoming, and for other purposes;

S. 3534. An act to authorize the Secretary of the Army to convey approximately 181 acres of land at Fort Crowder Military Reservation to the city of Neosho, Mo.;

S. 3564. An act to accord coverage under the Civil Service Retirement Act to certain temporary rural carriers;

S. 3572. An act to authorize land exchanges for purposes of the George Washington Memorial Parkway in Montgomery County, Md., and for other purposes;

S. 3676. An act for the relief of Maria Michela Leo Di Gioia;

S. 3682. An act to authorize the sale or exchange of certain lands of the United States situated in Pima County, Ariz., and for other purposes;

S. 3723. An act to amend Public Law 522, 84th Congress (relating to the conveyance of certain lands to the city of Henderson, Nev.);

S. 3873. An act to amend section 201 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the interchange of inspection services between executive agencies, and the furnishing of such services by one executive agency to another, without reimbursement or transfer of funds;

S. 3882. An act to amend the act of July 1, 1948, chapter 791 (24 U. S. C., 279a), providing for the procurement and supply of Government headstones and markers;

S. 3986. An act to authorize the Secretary of the Interior to enter into an agreement for relocating portions of the Natchez Trace Parkway, Miss., and for other purposes;

S. 4004. An act to encourage and authorize details and transfers of Federal employees for service with international organizations;

S. 4191. An act to maintain existing minimum postage rates on certain publications mailed for delivery within the county of publication;

S. 4287. An act to amend the act of July 27, 1956, relating to detention of mail for temporary periods in certain cases;

S. J. Res. 178. Joint resolution authorizing the President of the United States of America to proclaim February 8-14, 1959, as National Children's Dental Health Week;

S. J. Res. 190. Joint resolution to approve the report of the Department of the Interior on Red Willow Dam and Reservoir in Nebraska; and

S. J. Res. 201. Joint resolution to authorize the Chairman of the Joint Committee on Atomic Energy to confer a medal on Rear Adm. Hyman George Rickover, United States Navy.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I should like to have the Senator yield to me for the purpose of making a motion to adjourn until 12 o'clock tomorrow. The Senate has agreed to amendments to the bill. There will be thorough and extensive debate. We are all aware of that fact. It is 11:30 in the evening. I think Members are ready to go home. If the Senator will yield, I will ask unanimous consent that the Senator be recognized at the conclusion of the morning hour tomorrow.

Mr. CARROLL. Mr. President, reserving the right to object—

Mr. JOHNSON of Texas. And I shall move that the Senate adjourn.

Mr. CARROLL. Mr. President, reserving the right to object, is the record clear that there is now pending a motion to recommit?

Mr. JOHNSON of Texas. That is correct. The record is clear. If it is not clear it can be made clear tomorrow at 12 o'clock.

Mr. CARROLL. So long as the motion is now pending, I have no objection.

Mr. JENNER, Mr. McCLELLAN and several other Senators addressed the Chair.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

Several Senators addressed the Chair.

Mr. JOHNSON of Texas. The motion is not debatable. I move the Senate adjourn.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas that the Senate adjourn. The motion is not debatable.

Mr. JENNER. Mr. President, I asked for recognition before the motion was made. I was yelling at the Chair.

Mr. McCLELLAN. Mr. President, I was trying to obtain recognition.

Mr. JENNER. Mr. President, will the Senator withdraw his motion?

Mr. JOHNSON of Texas. No; I will not withdraw the motion.

5. TEXTILES. Conferees agreed to file a report on H. R. 469, to provide protection against misbranding and false advertising of the fiber content of textile fiber products. p. D889
6. PERSONNEL. Received the conference report on S. 1411, to give agencies discretion in suspending or retaining on duty Federal employees prior to security hearings (H. Rept. 2687). (pp. 17484-85, 17510) The report explains the actions of the conferees as follows:
- "The Senate bill proposed a change in the provisions of the Act of August 26, 1950, which now require that the officer or employee concerned must be suspended without pay before he may receive a hearing, by providing, in effect, that in cases arising under such Act the officer or employee need not necessarily be suspended without pay pending a hearing but may be retained, in the discretion of the department or agency head, in the same or another position pending a hearing of his case.
- "The House amendment continued this provision of the Senate bill and, in addition, reenacted the existing provisions of the Act of August 26, 1950, so as to clarify its application to activities of the Federal Government and provide additional safeguards for the protection of officers and employees from arbitrary actions thereunder.
- "The conference substitute is the same as the House amendment except for the following change:
- "The conference substitute makes it clear that the provisions of the revised Act of August 26, 1950, as contained in the amendment made by the first section of the conference substitute will be effective with respect to any action or proceeding for suspension or termination of employment commenced prior to July 1, 1959, but that the provisions of section 4 of such act as contained in such amendment will not be effective with respect to any case in which any such termination or employment was effected prior to the date of enactment of the conference substitute. Section 2 of the conference substitute also provides that the Act of August 26, 1950, as in effect immediately prior to the date of enactment of the conference substitute, shall be held and considered to remain in effect with respect to proceedings for suspension or termination of employment commenced after June 30, 1959.
- "Under section 2 of the conference substitute it is intended that a Government department or agency may reopen any case disposed of under existing law, regardless of the outcome of such case, or may institute new proceedings in any such case. Any such reopened or new proceedings would be governed by the provisions of the Act of August 26, 1950, as contained in the conference substitute. However, it is not intended that proceedings heretofore completed under existing law and resulting in the termination of employment of the employees involved may be reopened by such employees for the purpose of having their cases disposed of under the new provisions.
- "This limitation on the effective period of this legislation is established with the understanding on the part of the committee of conference that this legislation as so limited will provide a statutory basis for the Government employee security programs pending the development of a permanent Government employee security program subsequent to the study and report of the Commission on Government Security (Sen. Doc. No. 64, 85th Cong., 1st sess.)."
7. EDUCATION. Received the conference report on H. R. 13247, the national defense education bill (H. Rept. 2688). (pp. 17500-510) The bill as reported from conference retains the Senate amendment providing for the establishment of a Science Information Council by the National Science Foundation to advise on matters relating to the indexing, abstracting, translating and other services leading to effective dissemination of scientific information, and providing that the Director of the Department of Agriculture Library be a member of the Council.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 22, 1958
For actions of August 21, 1958
85th-2d, No. 146

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HIGHLIGHTS: Both Houses cleared supplemental appropriation bill. Conferees agreed to file report on bill to extend Public Law 480. Sen. Williams criticized administration of drought relief loan programs. House rejected minerals stabilization payments bill. House received conference report on education bill.

HOUSE

1. FOREIGN TRADE; SURPLUS COMMODITIES. Conferees agreed to file a report on S. 3420, to extend Public Law 480. The "Daily Digest" states that "conferees agreed to a 1½-year extension of this act." (p. D888) Agreed to a unanimous consent request by Rep. Albert to authorize the Agriculture Committee to file a report of the conferees on the bill by midnight Thurs., Aug. 21. (p. 17484)
2. MINERAL PAYMENTS. Rejected, 159 to 182, S. 4036, to provide production payments to certain mineral producers to stabilize the price of certain minerals. pp. 17454-72
3. FORESTRY. The Agriculture Committee reported with amendment H. R. 10614, to provide for the conveyance of certain Forest Service land to Sumter County, Fla. (H. Rept. 2685). This bill had been ordered reported by the Committee earlier. pp. 17510, D888
4. LIVESTOCK DISEASE. The Agriculture Committee agreed to accept Senate amendments to H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-and-mouth disease exists. p. D888

Aug. 22, 1958

5. RESEARCH. Passed under suspension of the rules S. 4039, to authorize the head of any Government agency now making contracts for research to grant funds for the support of such research. (pp. 17656-7) The Senate later concurred in the House amendments to this bill. (p. 17599) This bill will now be sent to the President.
6. TEXTILE LABELING. Both Houses received and agreed to the conference report on H. R. 469, to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products (H. Rept. 2695). (pp. 17589-90, 17680-1, 17715) This bill will now be sent to the President.
7. LIVESTOCK DISEASES. Concurred in the Senate amendments to H. R. 12126, to extend to wild animals the same prohibition against entry into the U. S. as domestic animals from any country where rinderpest or foot-and-mouth disease exists. (p. 17685) This bill will now be sent to the President.
8. GRAZING PERMITS. Rep. Dingell stated that he objected to enactment of S. 3754, to permit the exchange of lands between Interior and the Navajo Indians, because of a provision in the bill providing for the compensation of owners of grazing permits on public land for the termination of their permits. p. 17696
9. SURPLUS COMMODITIES. Received from this Department the annual report of the Secretary on the orderly liquidation of commodities held by CCC and on programs to expand agricultural markets, pursuant to Public Law 540, 84th Congress. p. 17715
10. LEGISLATIVE PROGRAM. Rep. Albert announced that the Consent Calendar and Private Calendar would be called Sat., Aug. 23. p. 17685

SENATE - August 22

11. MEATPACKERS. Passed without amendment H. R. 9020, to transfer certain functions under the Packers and Stockyards Act from this Department to the Federal Trade Commission. (pp. 17599-600) This bill will now be sent to the President.
12. AREA REDEVELOPMENT. Concurred in the House amendments to S. 3683, to establish a program to alleviate conditions of substantial unemployment or underemployment in certain economically depressed areas. This bill will now be sent to the President. pp. 17601-4

Sen. Douglas explained the House amendments as follows: "The major amendments of the House were as follows:

"First, the House in accordance with its general insistence upon keeping the added check of the appropriation procedure upon such financing programs, amended the proposed industrial and rural area loan funds to an authorization for appropriations for funds for such loans;

"Second, the House deleted the Senate provision (sec. 7) for a \$100 million loan fund for public facilities to aid in attracting private enterprises to these areas;

"Third, the House deleted a Senate provision (sec. 17) for the payment of retraining payments to persons not entitled to unemployment compensation, who are receiving training for a new job.

"Other changes made by the House included: (a) a prohibition against any public facility grant that would compete with an existing private utility; (b) a requirement that each recipient of assistance keep prescribed records, subject to review by the Commissioner and the Comptroller General; (c) a revision of the wording in the provision in respect to plant relocation; (d)

"The conferees are also aware of the problem having to do with the exporting of wheat from Canada and other friendly nations. Accordingly, it has directed the Secretary to endeavor to cooperate with these countries with respect to commodities governed by formal, multilateral international marketing agreements to which the United States is a party. As a practical thing, the international wheat agreements are the only ones affected by this language and even though it might temporarily reduce by some 40 percent the ability of the United States to dispose of wheat through barter, it was the sense of the conferees that mutually agreeable plans should be worked out with Canada and other signatories of appropriate agreements.

"Furthermore, the conferees have recognized the economic and security factors in accepting domestically processed materials in lieu of ore. While the present law is silent on the subject, for a long time barter contracts were made for domestically processed materials. For some reason this program was stopped. It was the sense of the conferees that American labor and management should be permitted to participate in the barter program. Accordingly the bill specifically authorizes the Secretary to permit the processing of foreign ores by domestic processors. The House provision that alloys produced from domestic ores could be taken was eliminated from the bill.

"As we have stated above, the substantive changes in the law, while significant, are not nearly as significant as the fundamental fact that the Congress has felt it necessary to enact legislation to require performance of a program which it has previously established by law. This bill is designed to reinstate a barter program of at least the magnitude followed prior to the restrictive regulations issued by the Secretary of Agriculture. Not only will the assets and resources of our country be improved through this program, but there will be substantial savings in storage and depreciation costs, and the value of the materials taken in exchange for the commodities will increase as world supplies diminish."

2. DISASTER LOANS. Passed with amendment S. 304, to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas. Rep. Cooley explained that as passed by the Senate the bill "provided that the States' participation would be to the extent of not less than 25 percent or more than 50 percent" and that the bill as amended by the House "provides that the participation shall be not in excess of 10 per centum, as the Secretary of Agriculture shall determine to be equitable of that part of the cost, including transportation of such feed or seed which is not paid by the recipients thereof." p. 17679

3. APPROPRIATIONS. Passed under suspension of the rules H. R. 13856, the independent offices appropriation bill for 1959. The bill deletes the \$589 million item for the civil service retirement fund to which the President objected when he vetoed the original appropriation bill for these agencies. The bill was reported earlier in the day by the Appropriations Committee (H. Rept. 2689). pp. 17631, 17634-6, 17715

Received the conference report on H. R. 13489, the military construction appropriation bill for 1959 (H. Rept. 2699). pp. 17666-7, 17715

4. PERSONNEL. Agreed to the conference report on S. 1411, to give agencies discretion in suspending or retaining on duty Federal employees prior to security hearings. (pp. 17636-7) See Digest 146 for provisions of this bill.

Both Houses received and agreed to the conference report on S. 25, to specify the effective date upon which changes in pay of wage-board employees shall begin following the start of a survey (H. Rept. 2691). (pp. 17590, 17637-8, 17715) This bill will now be sent to the President.

Agreed to the conference report on H.R. 7710, to provide for the lump-sum payment of all accumulated and accrued leave of certain deceased employees. (pp. 17638-9) This bill will now be sent to the President.

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

AUGUST 22, 1958.—Ordered to be printed

Mr. HARRIS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 469]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 8, 9, 12, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 13, 17, 19, 20, 21, 22, and 23, and agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows:

On page 2, line 14, of the Senate engrossed amendments, strike out “(f)” and insert (g);

On page 2, line 17, of the Senate engrossed amendments, after the word “product” where it appears the second time, insert a comma;

On page 2, line 19, of the Senate engrossed amendments, strike out the comma after “animal”.

And the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows:

On page 3, line 4, of the Senate engrossed amendments, strike out “(g)” and insert (h); and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

On page 3, line 15, of the Senate engrossed amendments, strike out "4 (g);" and insert 4 (h); and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *furniture, mattresses, and box springs*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

On page 3, line 21, of the Senate engrossed amendments, after "under", insert a comma; and the Senate agree to the same.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, Jr.,
CHAS. A. WOLVERTON,

Managers on the Part of the House.

WARREN G. MAGNUSON,
MIKE MONRONEY,
ALAN BIBLE,
ANDREW F. SCHOEPPPEL,
JOHN M. BUTLER,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate receded from its amendments Nos. 1, 2, 3, 6, 8, 9, 12, and 15.

The following Senate amendments are technical, clarifying and conforming changes: Nos. 13, 14, 17, and 20. The House recedes with respect to these amendments.

Amendment No. 4: Section 3 (d) of the bill as it passed the House provided, in paragraph (5), that section 3 should not apply to any textile fiber product until such product had been "produced in the form intended for sale or delivery to, or for use by, the ultimate consumer." This Senate amendment inserted the words "by the manufacturer or processor" after the word "produced." This change recognizes the fact that the manufacturer or processor of the article is normally the person who will produce the article in the form intended for sale or delivery to, or for use by, the ultimate consumer. The House recedes.

Amendment No. 5: Section 4 (b) of the bill as it passed the House provided that a textile fiber product shall be misbranded unless stamped, tagged, or labeled so as to show certain information. Paragraph (1) of subsection (b) required the inclusion of information as to the constituent fiber or combination of fibers in the product, designating with equal prominence each natural or manufactured fiber in the product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 percent or more of the total fiber weight of the product. This Senate amendment added a proviso that (exclusive of permissible ornamentation) any fiber or group of fibers present in an amount of 5 percent or less by weight of the total fiber content shall not be designated by the generic name or the trademark of such fiber or fibers but shall be designated only as "other fiber" or "other fibers," as the case may be. In actual legal effect the Senate provision appeared to add nothing to what was already provided by paragraph (2) of subsection (b), but certain persons or classes of persons affected by the provision were interested in having it included at this point. The House recedes.

Amendment No. 7: Section 4 (c) of the bill as it passed the House provided that a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement used in connection with the sale of such products, unless such advertisement contains certain specified information. This Senate amendment modified that part of the subsection dealing with the information which the advertisement would have to contain. While the language is different from the language of the bill as the House passed it, there appears to be no difference in substance. The House recedes.

Amendment No. 10: This Senate amendment provides that a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal is used in the advertisement of such product, unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal is used is a fur or fur product within the meaning of the Fur Products Labeling Act. If the textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber," "hair," or "blend" may be used. The House recedes with certain necessary technical changes.

Amendment No. 11: This Senate amendment provided that a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress, or cushion, containing the reused stuffing is labeled indicating that it contains reused stuffing. The House recedes with a technical amendment.

Amendments Nos. 16, 18, 19, 21, and 22 amend section 12 (a) of the act, which enumerates the textile fiber products not subject to the provisions of the act.

Amendments Nos. 15, 16, and 17: These amendments were made to the House provision exempting "outer coverings of furniture" from the act. As modified by the Senate the provision would have exempted "upholsteries and outer coverings of mattresses and box springs." As a result of the action of the committee of conference the exemption will embrace "outer coverings of furniture, mattresses, and box springs."

Amendment No. 18: This Senate amendment provided for the exemption of paddings or cushions to be used under floor coverings. The House recedes with a technical amendment.

Amendment No. 19: This Senate amendment provided for the exemption of handicraft threads. The House recedes.

Amendment No. 21: This Senate amendment provided for the exemption of textile fiber products which are subject to the labeling requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended. The House recedes.

Amendment No. 22: This Senate amendment provided for the exemption of catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, and diapers. The House recedes.

Amendment No. 23: The bill as passed by the House provided in section 12 (a) that certain of the exemptions listed should not be applicable if any representation as to fiber content of the article is made in any advertisement, label, or other means of identification. One class of article to which this limitation applied was "sewing thread." This Senate amendment made the limitation inapplicable in the case of sewing thread. The House recedes.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, Jr.,
CHAS. A. WOLVERTON,
Managers on the Part of the House.

Senator will suspend until the Senate comes to order.

Mr. JAVITS. Mr. President, I ask what is contained in the House amendments?

Mr. EASTLAND. The House amendments add to the Netherlands quota 3,136 people of Dutch nationality. That includes the principal applicants plus their wives and children, people who were run out of Indonesia. Generally the people are technicians, professional people of Dutch blood who were run out of Indonesia.

The proposal is supported by the administration and by the State Department.

Mr. JAVITS. Mr. President, I had occasion, when the bill was before the Senate, to invite the attention of the Senate to the fact that it represented a preferential treatment for some people who were going to be admitted from the Azores. We have now added to that some people who are refugees from what were the Dutch East Indies.

Each of these objectives is desirable. At the same time, as I stated to the Senate at the time, one is informed that any effort to deal with general immigration problems by using the vehicle which is provided by the bill or by the conference report will result in killing the measure, which is desirable on its own. No person like myself, who is interested in the deep problems of people, is going to take that chance. I know it is not an idle threat. I am sure the result would actually occur. So I did not seek to make the bill or to make the conference report a vehicle for far more inclusive immigration action.

At the same time, it should be made clear that far more inclusive immigration action in the interest of the United States is urgently required. Therefore, when the Senator from Mississippi was gracious enough to tell me he was going to bring the matter up, I arranged to ask him some questions as to what we might expect in January of next year in respect of an opportunity to get some immigration legislation which is urgently required by the national interest. I should like to propound these questions.

The first matter to which I think we must direct our attention in all fairness is the situation of 200,000 refugees from behind the iron curtain who are non-resettled in Europe, who are the subject of a most comprehensive report issued by the Zellerbach Commission on the European refugee situation, sponsored by the International Rescue Committee.

Mr. EASTLAND. We gave them 14,000 members in the act which was passed last year. The administration is still filling that quota. The quota is not yet full.

I will tell the distinguished Senator I hope that in January the Immigration Subcommittee will go thoroughly into the question of immigration.

Mr. JAVITS. Will the committee go thoroughly into the question of these particular refugee escapees, covered by a very extensive report involving a very important factor in the cold war between us and the Soviet Union?

Mr. EASTLAND. Yes. We will go thoroughly into that matter.

Mr. JAVITS. With a sympathetic view toward trying to do something about it?

Mr. EASTLAND. With a view to attempting to do the right thing by all people.

Mr. JAVITS. With respect to the law we now have on the books, the Refugee Act as extended 2 years, which expires in July of 1959, as of July 28 last there were 12,524 applicants under the section of the law for the 14,556 visas available, and only 252 visas had been issued.

In short, we constantly stymie ourselves with a tremendously slow executive operation in this field.

Mr. EASTLAND. It is a slow executive operation. That is the fault of the Department of State and not of the law. I am going into the matter to see what can be done to speed the process up.

Mr. JAVITS. The second point of vital importance is the situation of some 70,000 to 80,000 people of the so-called fourth preference category. These are individuals who principally come from Italy and Greece, who have reached majority or are married, sons and daughters, brothers or sisters of United States citizens. In the particular cases of these two quotas, Italian and Greek, there cannot even be met the first, second, and third preferences. Hence there is a tremendous pileup of close relatives of United States citizens, 70,000 to 80,000, awaiting some action by the Congress. May we have some expression as to the intention of the committee on that subject?

Mr. EASTLAND. I will state, as chairman of the Immigration Subcommittee and of the Judiciary Committee, that I intend to go very carefully into that subject.

Mr. JAVITS. Again, with the idea of trying to do something about it?

Mr. EASTLAND. Surely.

Mr. JAVITS. Finally, Mr. President, I know the views of the Senator from Mississippi on the question of the quota system of the United States, but nevertheless a great many of us feel that maintaining, as we do, the 1920 census—3 censuses before the last—as the basis for establishing nationality quotas, which arbitrarily cuts off some 65,000 additional opportunities for worthy immigration into the United States, is simply wrong. The administration is against it. I think a great body of opinion in the country is against it.

May we ask the Senator from Mississippi whether he will afford a hearing early in the next session of Congress on the entire question of the quota system?

Mr. EASTLAND. Yes. I am going into the quota system. I want to be perfectly frank; the Senator from Mississippi is opposed to changing the quota system.

Mr. JAVITS. I understand.

Mr. EASTLAND. I am only one member of the Judiciary Committee, 1 of 15. This will be a decision the committee will have to make.

Mr. JAVITS. I will say, although the Senator is 1 of 15 members, I wish he were on our side.

Nonetheless, Mr. President, I appreciate the fact, and I take the Senator's word for the fact, that we will seriously have an opportunity to tackle these three matters.

Mr. EASTLAND. That is correct.

Mr. JAVITS. I thank the Senator, and I have no objection to the approval of the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. EASTLAND] that the Senate concur in the House amendments.

The motion was agreed to.

PROTECTION OF PRODUCERS AND CONSUMERS AGAINST MISBRANDING AND FALSE ADVERTISING OF FIBER CONTENT OF TEXTILE FIBER PRODUCTS—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 8, 9, 12, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 13, 17, 19, 20, 21, 22, and 23, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows:

One page 2, line 14, of the Senate engrossed amendments, strike out "(f)" and insert "(g)."

One page 2, line 17, of the Senate engrossed amendments, after the word "product" where it appears the second time insert a comma.

On page 2, line 19, of the Senate engrossed amendments, strike out the comma after "animal."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

On page 3, line 4, of the Senate engrossed amendments, strike out "(g)" and insert "(h)."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

On page 3, line 15, of the Senate engrossed amendments, strike out "4 (g);" and insert "4 (h)."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "furniture, mattresses, and box springs."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

On page 3, line 21, of the Senate engrossed amendments, after "under" insert a comma.

And the Senate agree to the same.

WARREN G. MAGNUSON,
MIKE MONRONEY,
ALAN BIBLE,
ANDREW F. SCHOEPEL,
JOHN M. BUTLER,

Managers on the Part of the Senate.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, JR.,
CHAS. A. WOLVERTON,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, on this bill, the Senate conferees receded on amendments Nos. 1, 2, 3, 6, 8, 9, 12, and 15. The House conferees receded on amendments Nos. 4, 5, 7, 13, 16, 19, 20, 21, 22, and 23. The House also receded on amendments Nos. 10, 11, 14, 17, and 18, with amendments. These amendments are minor, and are to correct punctuation, properly designate subsections, or to clear the wording of parts of the bill.

Mr. President, section 12 of the legislation designates exemptions. Since there was so much interest in exemption No. 2, as agreed to by the conference, it will read "outer coverings of furniture, mattresses and box springs;". The conferees decided to use the descriptive term "outer coverings of furniture" rather than upholsteries for the simple reason that while upholsteries does include the coverings of furniture, it also includes draperies and curtains.

Exemption No. 6 has to do with floor coverings. So that the Senate will understand clearly the effect of the conference agreement, this exemption will now read "backings of, and paddings and cushions to be used under, floor coverings."

The bill as approved by the conferees is much the same as the bill your committee brought to the floor of the Senate plus the amendments made on the floor at the recommendation of the committee. We believe we have improved the bill. We believe that the bill will protect the consumer in purchasing household textile products and that it is essential and necessary legislation. I move that the Senate approve the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

TRAVEL EXPENSES OF CIVILIAN OFFICERS AND EMPLOYEES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1903) to amend section 7 of the Administrative Expenses Act of 1946, as amended, relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States, which were, on page 2, line 1, strike out "transportation for himself and" and insert "round trip travel for himself and transportation of", and on page 2, line 9, strike out "or serving the unexpired portion of his term."

Mr. JOHNSTON of South Carolina. Mr. President, S. 1903, a bill to amend the Administrative Expenses Act of 1946, relating to the travel expense of employees assigned to duty outside the continental United States, is at the desk with technical amendments approved by the House.

The House amendments in no way change the substance of the bill. Approval was suggested by the Bureau of the Budget and the Comptroller General and the amendments should, in my opinion, be accepted by the Senate.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

EFFECTIVE DATES OF COMPENSATION INCREASES FOR WAGE BOARD EMPLOYEES—CONFERENCE REPORT

Mr. JOHNSTON of South Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON of South Carolina. Mr. President, this measure is designed to establish a day certain for increases in compensation granted wage-board employees. The Senate version fixed the day as the beginning of the first pay period occurring on or after the 30th day, exclusive of Saturdays and Sundays, following the date on which the wage survey was first ordered.

The House version fixed the day as of the beginning of the first pay period occurring on or after the 45th day following the date on which the collection of data started.

The conference agreement accepted the 45 days contained in the House ver-

sion, but provides that it shall be from the date the collection of data is officially ordered.

This is, in effect, a compromise between the Senate and the House versions.

The Senate accepted this compromise somewhat reluctantly. It did so without prejudice to further consideration of the problem at an early date, should it be found that agencies—particularly the Department of Defense—are not responding fully to the desire of Congress that wage-board surveys be conducted expeditiously and that increases resulting therefrom be put into effect promptly.

I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL CULTURAL CENTER IN DISTRICT OF COLUMBIA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3335) to provide for a National Cultural Center which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia which was, on page 6, after line 21, insert:

TERMINATION

SEC. 7. (a) This act shall cease to be effective, and all offices created by this act and all appointments made under this act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the National Cultural Center have been received by the trustees of the National Cultural Center within 5 years after the date of enactment of this act.

(b) If the offices of trustees of the National Cultural Center terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the trustees of the National Cultural Center under section 5 (a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the act entitled "An act to provide for the transfer of the Civil Service Commission building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such act.

Mr. McNAMARA. Mr. President, the amendment of the House has been cleared by the leadership on both sides. It has the approval of everyone concerned; and the chairman of the Committee on Public Works [Mr. CHAVEZ] asked me to move that the Senate concur in the House amendment. I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

Mr. FULBRIGHT subsequently said: Mr. President, I wish to thank the Senator from Michigan for the very fine work he has done in handling H. R. 3335, with respect to which the Senate has just concurred in the House amendment. The Senator from Michigan has

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 3420) to extend and amend the Agricultural Trade Development and Assistance Act of 1954.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. COOLEY. Mr. Speaker, in considering the conference report on S. 3420 dealing with the operations of Public Law 480, I feel it necessary to call the attention of the House to certain problems which this bill was designed to correct. In most conferences in which I have participated over my years in the Congress, Members have genuinely tried to reach reasonable agreements on the matters in conference. In this case, however, the spirit of compromise was lacking and the House conferees found themselves dealing indirectly with representatives of the Secretary of Agriculture, who arrogantly and continuously opposed any language which would require the Secretary to carry out the many laws enacted concerning the so-called barter of surplus agricultural commodities. Threats of a veto, innuendo, and many unusual tactics were used throughout the conference.

I firmly believe but for the fact that the bill contained certain items involving title I which were desired by the Secretary, no agreement would ever have been reached. Finally, however, the House position that new and stronger law was required prevailed and the modified version I have submitted to you was the result. It requires the Secretary to reinstate a barter program similar to the one in operation prior to the decision of the Secretary to change the law by his administrative action. It eliminates the principle of additionality which was the device used to practically kill the program and, excepting for certain leeway involving Canada, it stops the practice of protecting the exports of other countries at the expense of our own exports.

However, in view of the past record of the Secretary in ignoring the law on this subject and because I suspect he will endeavor to find loopholes in this law, I am taking certain steps designed to assure that the law will be followed. I have directed the committee staff to establish a system which will enable us to be kept advised of progress under the laws dealing with barter. I have also directed our Subcommittee on Foreign Agricultural Operations to conduct hearings and studies under our responsibility for legislative oversight. Mr.

Poage, the subcommittee chairman, has already started such hearings.

This program of exchanging costly to store and deteriorating agricultural commodities for needed strategic or other materials that are cheaper to store and do not deteriorate is an excellent one for our country. It is also the law. The personal desires of a few in the executive branch of our Government will not be permitted to retard or destroy it.

There is one other matter, Mr. Speaker, which I think may not have been covered adequately in the conference report. The conferees approved the House provision authorizing use of foreign currencies generated under title I for financing United States participation in trade fair and related activities, but amended it to make it clear that the definition of fairs is to include agricultural and horticultural fairs and related activities. This authority is different from and in addition to any authority which the law now contains for participation in trade fairs and similar activities as a part of agricultural market development activities of the Department of Agriculture under section 104 (a) of the act, and the restrictions as to use of funds applicable to the new provision included in the conference report are not applicable to operations under section 104 (a).

DISASTER AREA RELIEF

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 304) to provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers, or stockmen in disaster areas, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina please explain the bill and the amendment?

Mr. COOLEY. Well, I will give a very brief explanation of the bill. The bill provides for State participation in relief, for such temporary relief as may be provided in the event of disasters in the country. The Senate bill provided that the States' participation would be to the extent of not less than 25 percent or more than 50 percent, and the House amendment provides that the participation shall be not in excess of 10 per centum, as the Secretary of Agriculture shall determine to be equitable of that part of the cost, including transportation of such feed or seed which is not paid by the recipients thereof.

Mr. HOEVEN. It is my understanding that this bill is now acceptable to the Committee on Agriculture of the House and it will be acceptable to the other body.

Mr. COOLEY. I will say to the House that we have informally conferred with the members of the Senate Agriculture Committee, and we have every reason to believe that if this bill passes today

it will be acceptable to the Senate and will be enacted.

Mr. HOEVEN. May I say further that this is a bill that is desired by the administration and there is no objection on our side.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding any other provision of law, no feed for livestock or seed for planting shall be furnished to farmers, ranchers, or stockmen pursuant to Public Law 875, 81st Congress (42 U. S. C. 1955 and the following); Public Law 115, 83d Congress, 1st session; Public Law 357, 83d Congress, 2d session; Public Law 480, 83d Congress, 2d session; or pursuant to any other law as a disaster relief measure, unless, in addition to such administrative costs as may be assumed by the State, the State in which such feed or seed is furnished agrees to contribute such percentage, not less than 25 nor more than 50, as the Secretary of Agriculture shall determine to be equitable of that part of the cost, including transportation, of such feed or seed which is not paid for by the recipients thereof.

With the following committee amendments:

Page 1, line 3, after the comma, insert "after June 30, 1959."

Page 2, line 4, strike out "not less than 25 nor more than 50," and insert "not in excess of 10 per centum."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PEREMPTORY CHALLENGES

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (H. R. 3368) to amend section 1870 of title 28, United States Code, to authorize the District Courts to allow additional preeminent challenges in civil cases to multiple plaintiffs as well as multiple defendants, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of August 20, 1958.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

(Mr. EVINS (at the request of Mr. CELLER) was given permission to extend his remarks at this point in the Record.)

Mr. EVINS. Mr. Speaker, as I understand this amendment it simply premits a judicial review of the good faith of the Government estimate of just compensation for the land summarily acquired under the Declaration of Taking Act. It is believed elementary that

the Government in all of its dealing should act with the most scrupulous good faith and that the good faith requirement is of special importance whenever the Government exercises its sovereign power of eminent domain.

It is recognized that each such case must of necessity be judged on its own merits, and that no single standard can be equitably applied to all cases. For example, in cases where the Government through its sovereign power of eminent domain seizes property designed and constructed by agreement for Government use, normal appraisals based on the price a prudent buyer would pay cannot be used. The costs to the Government of similar property openly and competitively procured at the time of taking, as well as the value to the Government of the property condemned, is manifestly the fairest measure of just compensation, both to the Government and the owner.

Whereas, this measure is equitable in such cases, normal appraisals may be more equitable in other types of cases. It should never be the function of the Department of Justice or any other branch of Government to exercise the great power of eminent domain to obtain property at confiscatory prices. Rather, a bona fide effort should be made by all branches of Government concerned to fairly ascertain just compensation and protect equally the rights of the taxpayer and property owner, as well as the Government. The nature of the determinations of estimates filed under this statute renders the judicial review thereof vital for the protection of the constitutional rights of the citizens of the United States.

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Mr. HARRIS submitted the following conference report and statement on the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 2695)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 8, 9, 12, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 13, 17, 19, 20, 21, 22, and 23, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with amendments as follows: On page 2, line 14, of the Senate engrossed amendments, strike out "(f)" and insert "(g)."

On page 2, line 17, of the Senate engrossed amendments, after the word "product" where it appears the second time insert a comma.

On page 2, line 19, of the Senate engrossed amendments, strike out the comma after "animal"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: On page 3, line 4, of the Senate engrossed amendments, strike out "(g)" and insert "(h)"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: On page 3, line 15, of the Senate engrossed amendments, strike out "4 (g);" and insert "4 (h)"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "furniture, mattresses, and box springs"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: On page 3, line 21, of the Senate engrossed amendments, after "under" insert a comma; and the Senate agree to the same.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, Jr.,
CHAS. A. WOLVERTON,

Managers on the Part of the House.

WARREN G. MAGNUSON,
MIKE MONRONEY,
ALAN BIBLE,
ANDREW F. SCHOEPPLE,
JOHN M. BUTLER,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate receded from its amendments Nos. 1, 2, 3, 6, 8, 9, 12, and 15.

The following Senate amendments are technical, clarifying, and conforming changes: Nos. 13, 14, 17, and 20. The House recedes with respect to these amendments.

Amendment No. 4: Section 3 (d) of the bill as it passed the House provided, in paragraph (5), that section 3 should not apply to any textile fiber product until such product had been "produced in the form intended for sale or delivery to, or for use by, the ultimate consumer." This Senate amendment inserted the words "by the manufacturer or processor" after the word "produced". This change recognizes the fact that the manufacturer or processor of the article is normally the person who will produce the article in the form intended for sale or delivery to, or for use by, the ultimate consumer. The House recedes.

Amendment No. 5: Section 4 (b) of the bill as it passed the House provided that a textile fiber product shall be misbranded unless stamped, tagged, or labeled so as to show certain information. Paragraph (1) of subsection (b) required the inclusion of information as to the constituent fiber or combination of fibers in the product, designating with equal prominence each natural or manufactured fiber in the product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 percent or more of the

total fiber weight of the product. This Senate amendment added a proviso that (exclusive of permissible ornamentation) any fiber or group of fibers present in an amount of 5 percent or less by weight of the total fiber content shall not be designated by the generic name or the trademark of such fiber or fibers but shall be designated only as "other fiber" or "other fibers," as the case may be. In actual legal effect the Senate provision appeared to add nothing to what was already provided by paragraph (2) of subsection (b), but certain persons or classes of persons affected by the provision were interested in having it included at this point. The House recedes.

Amendment No. 7: Section 4 (c) of the bill as it passed the House provided that a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement used in connection with the sale of such product, unless such advertisement contains certain specified information. This Senate amendment modified that part of the subsection dealing with the information which the advertisement would have to contain. While the language is different from the language of the bill as the House passed it, there appears to be no difference in substance. The House recedes.

Amendment No. 10: This Senate amendment provides that a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal is used in the advertisement of such product, unless such product or the part thereof in connection with which the name or symbol of a fur-bearing animal is used is a fur or fur product within the meaning of the Fur Products Labeling Act. If the textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber," "hair," or "blend" may be used. The House recedes with certain necessary technical changes.

Amendment No. 11: This Senate amendment provided that a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress, or cushion, containing the reused stuffing is labeled indicating that it contains reused stuffing. The House recedes with a technical amendment.

Amendments Nos. 16, 18, 19, 21, and 22 amend section 12 (a) of the act, which enumerates the textile fiber products not subject to the provisions of the act.

Amendments Nos. 15, 16, and 17: These amendments were made to the House provision exempting "outer coverings of furniture" from the act. As modified by the Senate the provision would have exempted "upholsteries and outer coverings of mattresses and box springs." As a result of the action of the committee of conference the exemption will embrace "outer coverings of furniture, mattresses, and box springs."

Amendment No. 18: This Senate amendment provided for the exemption of paddings or cushions to be used under floor coverings. The House recedes with a technical amendment.

Amendment No. 19: This Senate amendment provided for the exemption of handicraft threads. The House recedes.

Amendment No. 21: This Senate amendment provided for the exemption of textile fiber products which are subject to the labeling requirements of the Federal Food, Drug, and Cosmetic Act of 1938, as amended. The House recedes.

Amendment No. 22: This Senate amendment provided for the exemption of catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with

chemicals, and diapers. The House recedes.

Amendment No. 23: The bill as passed by the House provided in section 12 (a) that certain of the exemptions listed should not be applicable if any representation as to fiber content of the article is made in any advertisement, label, or other means of identification. One class of article to which this limitation applied was sewing thread. This Senate amendment made the limitation inapplicable in the case of sewing thread. The House recedes.

OREN HARRIS,
JOHN BELL WILLIAMS,
PETER F. MACK, JR.,
CHAS. A. WOLVERTON,

Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, I call up the conference report on the bill (H. R. 469) to protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report was agreed to. A motion to reconsider was laid on the table.

GOSHEN VENEER CO.

Mr. LANE submitted the following conference report and statement on the bill (H. R. 6282) for the relief of the former shareholders and debenture note-holders of the Goshen Veneer Co., an Indiana corporation:

CONFERENCE REPORT (H. REPT. NO. 2696)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6282) for the relief of the former shareholders and debenture noteholders of the Goshen Veneer Company, an Indiana corporation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the same.

THOMAS J. LANE,
HAROLD D. DONOHUE,
RICHARD H. POFF,

Managers on the Part of the House.

JAMES O. EASTLAND,
OLIN D. JOHNSTON,
JOHN M. BUTLER,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6282) for the relief of the former shareholders and debenture note holders of the Goshen Veneer Co., an Indiana corporation, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

As the bill passed the House it provided for the payment of \$75,000 to certain shareholders and debenture note holders of the Goshen Veneer Co., an Indiana corporation, as recommended by the Court of Claims. The Senate amended the bill to provide for an appropriation of \$295,154.47. Therefore,

the Senate conferees concurred in the House action.

THOMAS J. LANE,
HAROLD D. DONOHUE,
RICHARD H. POFF,

Managers on the Part of the House.

HIPOLITO C. DE BACA

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 10473) for the relief of Hipolito C. DeBaca, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 3, after "act" insert "No benefits, except hospital and medical expenses actually incurred, shall accrue by reason of the enactment of this act for any period prior to the date of its enactment."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. KEATING. Mr. Speaker, reserving the right to object, will the gentleman state the nature of the amendment?

Mr. LANE. This is a bill that waives the statute of limitations against a former employee of the Rehabilitation Agency in Las Vegas, N. Mex., to file a claim with the Employees Compensation Commission. This amendment merely states that there will be no benefit accrual by reason of the enactment of this act for any period prior to the date of its enactment except for medical and hospital expenses.

Mr. KEATING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EDUCATION OF MENTALLY RETARDED CHILDREN

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 13840) to encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State educational agencies.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island.

Mr. HOLT. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. FOGARTY. Bills identical with this bill were introduced by several Members of the House a couple of years ago. It passed the Senate unanimously in April or May of this year. There were some objections to the Senate bill by the chairman of the Committee on Education and Labor, the gentlemen from North Carolina [Mr. BARDEN]. Those

objections have been met in this bill. I talked with him by telephone this morning and told him of the pending action, and he assented. I have talked to the ranking member of the committee on the gentleman's side, the gentleman from New York [Mr. GWINN], and to other Members on this side.

The bill provides for grants up to \$1 million a year to be made to public institutions for the training of teachers to teach mentally retarded children. There are about 1 million mentally retarded children of school age and only about 15 percent of them are getting the schooling they need at this time. This bill would help these institutions to give the teachers of these mentally retarded children the specialized training and the teaching facilities that are needed now.

Mr. HOLT. I thank the gentleman. It is my hope that the bill will be improved next year. I voted against it in the committee.

Mr. Speaker, I withdraw my reservation of objection.

Mr. FOGARTY. I thank the gentleman.

Mr. Speaker, while this bill carries my name, there is no one Member who can claim full credit for this legislation. Time is not sufficient to give individual recognition to all who have helped. However, I certainly could not in good conscience offer this bill to the House today without giving recognition to the basic work and continued efforts of the distinguished gentleman from South Dakota [Mr. McGOVERN] in getting his companion bill through the committee, and also the very effective work of the influential gentleman from Connecticut [Mr. MAY] with the leadership. If it were not for their efforts it would not have been possible to bring this bill before the House today.

For a good many years I have had a deep interest in programs which would improve the health, welfare, and education of those persons in the Nation who are handicapped. A few years ago my attention was drawn to the serious problem of those with mental retardation. Many such individuals are themselves neglected and their families are in distress because of lack of understanding of their problem, and because of inadequate facilities to help them. Yet it is known that large numbers of mentally retarded individuals could become contributing citizens and well adjusted members of their families and communities if care and education are given to them at the right time.

Within the last few years the Congress has repeatedly taken action to aid in developing and strengthening in the Nation a balanced program for the mentally retarded, including services in health, welfare, rehabilitation, and education. As you know, I have strongly supported such action in the belief that it would encourage and stimulate the development of well-rounded services and hasten the acceptance of the mentally retarded into the community.

Today I would like to point to a gap in our program of aid. I refer to the

serious problem of inadequate personnel to conduct programs of special education for the Nation's approximately 1 million school-age children with varying degrees of mental retardation.

It is my understanding that the goals of a good educational program for exceptional children or for special education include at least the following three major parts: First, the search for knowledge through research which will form a basis for improving special education programs; second, the need for extending and improving the schools and classes in local communities; and third, the development of more and better qualified teaching personnel.

The conduct of research and extension of school programs are both dependent upon the availability of well-qualified educators with specialization in the field of mental retardation, and yet, according to the Office of Education, only about 10,000 or 15,000 teachers would be needed if all of the mentally retarded children were to have suitable specialized educational opportunity.

The Congress recognized the need for research in education on such basic matters as the characteristics of mentally retarded school-age children, methods of teaching them, and factors in the school program which make for adjustment in the family and community.

In 1957, as you will recall, I took the initiative in the Appropriations Committee to request that \$675,000 in the Office of Education appropriation for cooperative research be set aside for mental retardation. Many of you know that leaders in the education of exceptional children in colleges and universities and State education agencies had already identified urgent problems needing research, and that request was very promptly made for the funds. As a result, the Office of Education made a beginning by entering into contracts with State educational agencies, and colleges and universities widely spread throughout the Nation for 42 studies during the fiscal year 1957. Since that time 11 others have been brought under contract. Judging from the reports, the stimulating effect of this new program has already been felt throughout the country.

While the research studies under the provisions of Public Law 531 explore a wide range of topics, in general they cover, first, definition and identification of the mentally retarded; second, learning characteristics and responses of mentally retarded children; third, language and communication difficulties and certain physical limitations as they relate to the learning of children classified as mentally retarded; fourth, teaching methods and procedures; fifth, effects of different types of school organizations; sixth, miscellaneous other problems, such as the rural isolated child or the effect of the school program on the postschool adjustment of the mentally retarded child.

This legislation will aid in preparing highly qualified leadership personnel at the doctoral and master's levels in the education of the mentally retarded. Persons prepared under the provisions of

this legislation would qualify to, first, direct college and university programs for the preparation of teachers of the mentally retarded; two, direct and supervise programs for mentally retarded children in local school systems, and in State departments of education; and three, conduct research in the education of the mentally retarded. This proposed legislation would supplement the provisions of Public Law 531, 83d Congress, and in no way overlap with the provisions of that law.

According to data collected by the Office of Education, there may be as many as 15 colleges and universities with some facilities to immediately conduct doctoral programs in the education of the mentally retarded. All of these need strengthening either by additional staff or facilities in order to accommodate as many candidates for advanced degrees as are needed for the Nation's educational program. It would also make it possible to develop some new centers in colleges and universities in regions where opportunities do not exist for advanced training in the education of the mentally retarded.

According to an Office of Education study, in 1953-54 there were 40 colleges in the Nation offering some opportunities for the preparation of teachers of the mentally retarded. However, the same 40 colleges reported only 28 instructors devoting full time to the preparation of teachers of the mentally retarded; 64 staff members were also giving "part time" to instruction of this program. Relatively few of the colleges and universities—perhaps 15—appeared to have the facilities to conduct doctoral programs in this field. Many of the others seemed to be inadequately staffed and otherwise ill equipped even for the training of undergraduate students in this area. The same colleges reported—in 1953—the granting of only 4 doctoral degrees and 130 master's degrees in the field of mental retardation. While the situation has improved somewhat since the Office of Education study was made, additional information from a more limited survey revealed the situation is currently almost as critical as it was in 1953-54.

It appears that there is need for the development of some new centers. Of the 15 colleges and universities which now seem to be prepared to initiate or expand doctoral programs, 11 are in either the Northeast or the Middle West. There are 2 in the South, 1 in the Southwest, and 1 to serve the Rocky Mountain States and the Northwest.

The ultimate goal of all our efforts is to give education and care to children and youth so they will be as well prepared for adult life as possible. The basic objective of this legislation is to provide traineeships at the graduate level which would be financially adequate to attract promising individuals who would then become the directors of college and university programs, of local school programs, and of research studies. It appears that this is the best contribution the Federal Government could make to alleviate the shortage of manpower in the education of the mentally retarded.

This legislation will hasten the time, in my judgment, when the State and local school systems and the institutions of higher learning will be in a position to provide the teachers needed by these children.

Mr. TOLLEFSON. Mr. Speaker, I rise in support of H. R. 13840, a bill to encourage expansion of teaching in the education of mentally retarded children through grants to institutions of higher learning and to State agencies.

In the years I have been privileged to serve in this great body, Congress has enacted many worthwhile measures. However, few, if any, have been more worthwhile than the pending proposal. I urge the House to approve it overwhelmingly.

The bill authorizes the expenditure of up to \$1 million annually to train teachers to teach mentally retarded children. Teaching these children requires specialized training, as anyone can understand. There is so much that can and needs to be done in this field that we ought not hesitate for a moment to do it. In every community in our country there are these children who need our help. Let us give it to them.

Mr. McGOVERN. Mr. Speaker, as the author of this legislation designed to assist America's mentally retarded children, I am most pleased that the House has agreed to its passage. I have believed for a long time that the one group most entitled to assistance from the Government is that which includes our handicapped and practically helpless children who, through no fault of their own, have a mental deficiency.

Approximately 1 million of these little children live in the United States. Only a small fraction of them are now given the kind of specialized educational training that they so desperately need.

This bill will help break the bottlenecks that stand in the road of a truly effective program for mentally retarded children. It will do so by strengthening the teaching facilities of our institutions of higher learning, and by offering fellowships to those persons desiring to prepare themselves for work in this vitally important field.

I know that mothers and fathers, as well as interested persons all over this Nation, will rejoice in the wise action of the Congress in putting this modest program into action.

Mr. MAY. Mr. Speaker, having had a companion bill in on this legislation for some time, plus my great interest in improving the scope of teaching of mentally retarded children, I support this bill 100 percent.

The gentleman from Rhode Island [Mr. FOGARTY] and myself have worked quite diligently in a true bipartisan way during the past few weeks to promote Mentally Retarded Children's Week, and in the past 3 days specifically to get approval of this bill. We have received excellent cooperation from both sides of the aisle, from the leadership and others so that this vital legislation could pass unanimously.

May I add also that my distinguished colleague from Connecticut, Senator PURTELL has cooperated since passing a

Public Law 85-897
85th Congress, H. R. 469
September 2, 1958

AN ACT

72 Stat. 1717.

To protect producers and consumers against misbranding and false advertising of the fiber content of textile fiber products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Textile Fiber Products Identification Act".

Textile Fiber
Products Iden-
tification Act.

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "fiber" or "textile fiber" means a unit of matter which is capable of being spun into a yarn or made into a fabric by bonding or by interlacing in a variety of methods including weaving, knitting, braiding, felting, twisting, or webbing, and which is the basic structural element of textile products.

(c) The term "natural fiber" means any fiber that exists as such in the natural state.

(d) The term "manufactured fiber" means any fiber derived by a process of manufacture from any substance which, at any point in the manufacturing process, is not a fiber.

(e) The term "yarn" means a strand of textile fiber in a form suitable for weaving, knitting, braiding, felting, webbing, or otherwise fabricating into a fabric.

(f) The term "fabric" means any material woven, knitted, felted, or otherwise produced from, or in combination with, any natural or manufactured fiber, yarn, or substitute therefor.

(g) The term "household textile articles" means articles of wearing apparel, costumes and accessories, draperies, floor coverings, furnishings, beddings, and other textile goods of a type customarily used in a household regardless of where used in fact.

(h) The term "textile fiber product" means—

(1) any fiber, whether in the finished or unfinished state, used or intended for use in household textile articles;

(2) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in household textile articles; and

(3) any household textile article made in whole or in part of yarn or fabric;

except that such term does not include a product required to be labeled under the Wool Products Labeling Act of 1939.

(i) The term "affixed" means attached to the textile fiber product in any manner.

(j) The term "Commission" means the Federal Trade Commission.

(k) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation or between the District of Columbia and any State or Territory or foreign nation.

(l) The term "Territory" includes the insular possessions of the United States, and also any Territory of the United States.

(m) The term "ultimate consumer" means a person who obtains a textile fiber product by purchase or exchange with no intent to sell or exchange such textile fiber product in any form.

15 USC 68-
68j.

MISBRANDING AND FALSE ADVERTISING DECLARED UNLAWFUL

SEC. 3. (a) The introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product which is misbranded or falsely or deceptively advertised within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the

38 Stat. 717. Federal Trade Commission Act.

15 USC 58.

(b) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce, and which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

15 USC 58.

(c) The sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, which is misbranded or falsely or deceptively advertised, within the meaning of this Act or the rules and regulations promulgated thereunder, is unlawful, and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

15 USC 58.

(d) This section shall not apply—

(1) to any common carrier or contract carrier or freight forwarder with respect to a textile fiber product received, shipped, delivered, or handled by it for shipment in the ordinary course of its business;

(2) to any processor or finisher in performing a contract for the account of a person subject to the provisions of this Act if the processor or finisher does not change the textile fiber content of the textile fiber product contrary to the terms of such contract;

(3) with respect to the manufacture, delivery for transportation, transportation, sale, or offering for sale of a textile fiber product for exportation from the United States to any foreign country;

(4) to any publisher or other advertising agency or medium for the dissemination of advertising or promotional material, except the manufacturer, distributor, or seller of the textile fiber product to which the false or deceptive advertisement relates, if such publisher or other advertising agency or medium furnishes to the Commission, upon request, the name and post office address of the manufacturer, distributor, seller, or other person residing in the United States, who caused the dissemination of the advertising material; or

(5) to any textile fiber product until such product has been produced by the manufacturer or processor in the form intended for sale or delivery to, or for use by, the ultimate consumer: *Provided*, That this exemption shall apply only if such textile fiber product is covered by an invoice or other paper relating to the marketing or handling of the textile fiber product and such invoice or paper correctly discloses the information with respect to the textile fiber product which would otherwise be required under section 4 of this Act to be on the stamp, tag, label, or other identification and the name and address of the person issuing the invoice or paper.

MISBRANDING AND FALSE ADVERTISING OF TEXTILE FIBER PRODUCTS

SEC. 4. (a) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if it is falsely or deceptively stamped, tagged, labeled, invoiced, advertised, or otherwise identified as to the name or amount of constituent fibers contained therein.

(b) Except as otherwise provided in this Act, a textile fiber product shall be misbranded if a stamp, tag, label, or other means of identification, or substitute therefor authorized by section 5, is not on or affixed to the product showing in words and figures plainly legible, the following:

(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product, but nothing in this section shall be construed as prohibiting the use of a nondeceptive trademark in conjunction with a designated generic name: *Provided*, That exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or the trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be.

(2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content: *Provided*, That, exclusive of permissible ornamentation, any fiber or group of fibers present in an amount of 5 per centum or less by weight of the total fiber content shall not be designated by the generic name or trademark of such fiber or fibers, but shall be designated only as "other fiber" or "other fibers" as the case may be: *Provided further*, That in the case of a textile fiber product which contains more than one kind of fiber, deviation in the fiber content of any fiber in such product from the amount stated on the stamp, tag, label, or other identification shall not be a misbranding under this section unless such deviation is in excess of reasonable tolerances which shall be established by the Commission: *And provided further*, That any such deviation which exceeds said tolerances shall not be a misbranding if the person charged proves that the deviation resulted from unavoidable variations in manufacture and despite due care to make accurate the statements on the tag, stamp, label, or other identification.

(3) The name, or other identification issued and registered by the Commission, of the manufacturer of the product or one or more persons subject to section 3 with respect to such product.

(4) If it is an imported textile fiber product the name of the country where processed or manufactured.

(c) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if any disclosure or implication of fiber content is made in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information as that required to be shown on the stamp, tag, label, or other identification under section 4 (b) (1) and (2) is contained in the heading, body, or other part of such written advertisement, except that the percentages of the fiber present in the textile fiber product need not be stated.

(d) In addition to the information required in this section, the stamp, tag, label, or other means of identification, or advertisement may contain other information not violating the provisions of this Act.

(e) This section shall not be construed as requiring the affixing of a stamp, tag, label, or other means of identification to each textile fiber product contained in a package if (1) such textile fiber products are intended for sale to the ultimate consumer in such package, (2) such package has affixed to it a stamp, tag, label, or other means of identification bearing, with respect to the textile fiber products contained therein, the information required by subsection (b), and (3) the information on the stamp, tag, label, or other means of identification affixed to such package is equally applicable with respect to each textile fiber product contained therein.

(f) This section shall not be construed as requiring designation of the fiber content of any portion of fabric, when sold at retail, which is severed from bolts, pieces, or rolls of fabric labeled in accordance with the provisions of this section at the time of such sale: *Provided*, That if any portion of fabric severed from a bolt, piece, or roll of fabric is in any manner represented as containing percentages of natural or manufactured fibers, other than that which is set forth on the labeled bolt, piece, or roll, this section shall be applicable thereto, and the information required shall be separately set forth and segregated as required by this section.

65 Stat. 175.
15 USC 69
note.

(g) For the purposes of this Act, a textile fiber product shall be considered to be falsely or deceptively advertised if the name or symbol of any fur-bearing animal is used in the advertisement of such product unless such product, or the part thereof in connection with which the name or symbol of a fur-bearing animal is used, is a fur or fur product within the meaning of the Fur Products Labeling Act: *Provided, however*, That where a textile fiber product contains the hair or fiber of a fur-bearing animal, the name of such animal, in conjunction with the word "fiber", "hair", or "blend", may be used.

(h) For the purposes of this Act, a textile fiber product shall be misbranded if it is used as stuffing in any upholstered product, mattress, or cushion after having been previously used as stuffing in any other upholstered product, mattress, or cushion, unless the upholstered product, mattress, or cushion containing such textile fiber product bears a stamp, tag, or label approved by the Commission indicating in words plainly legible that it contains reused stuffing.

REMOVAL OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION

SEC. 5. (a) After shipment of a textile fiber product in commerce it shall be unlawful, except as provided in this Act, to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any textile fiber product is sold and delivered to the ultimate consumer, any stamp, tag, label, or other identification required by this Act to be affixed to such textile fiber product, and any person violating this section shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

(b) Any person—

(1) introducing, selling, advertising, or offering for sale, in commerce, or importing into the United States, a textile fiber product subject to the provisions of this Act, or

(2) selling, advertising, or offering for sale a textile fiber product whether in its original state or contained in other textile fiber products, which has been shipped, advertised, or offered for sale, in commerce.

may substitute for the stamp, tag, label, or other means of identification required to be affixed to such textile product pursuant to section 4 (b), a stamp, tag, label, or other means of identification conforming to the requirements of section 4 (b), and such substituted stamp, tag,

label, or other means of identification shall show the name or other identification issued and registered by the Commission of the person making the substitution.

(c) If any person other than the ultimate consumer breaks a package which bears a stamp, tag, label, or other means of identification conforming to the requirements of section 4, and if such package contains one or more units of a textile fiber product to which a stamp, tag, label, or other identification conforming to the requirements of section 4 is not affixed, such person shall affix a stamp, tag, label, or other identification bearing the information on the stamp, tag, label, or other means of identification attached to such broken package to each unit of textile fiber product taken from such broken package.

RECORDS

SEC. 6. (a) Every manufacturer of textile fiber products subject to this Act shall maintain proper records showing the fiber content as required by this Act of all such products made by him, and shall preserve such records for at least three years.

(b) Any person substituting a stamp, tag, label, or other identification pursuant to section 5 (b) shall keep such records as will show the information set forth on the stamp, tag, label, or other identification that he removed and the name or names of the person or persons from whom such textile fiber product was received, and shall preserve such records for at least three years.

(c) The neglect or refusal to maintain or preserve the records required by this section is unlawful, and any person neglecting or refusing to maintain such records shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce, under the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

ENFORCEMENT OF THE ACT

SEC. 7. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

15 USC 58.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

15 USC 58.

(c) The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

(d) The Commission is authorized to cause inspections, analyses, tests, and examinations to be made of any product subject to this Act.

INJUNCTION PROCEEDINGS

SEC. 8. Whenever the Commission has reason to believe—

(a) that any person is doing, or is about to do, an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful; and

38 Stat. 717.
15 USC 58.

(b) that it would be to the public interest to enjoin the doing of such act until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint is dismissed by the Commission or set aside by the court on review or until an order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin the doing of such act and upon proper showing a temporary injunction or restraining order shall be granted without bond.

EXCLUSION OF MISBRANDED TEXTILE FIBER PRODUCTS

46 Stat. 722.
19 USC 1484.

19 USC 1485.

15 USC 58.

SEC. 9. All textile fiber products imported into the United States shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of section 4 of this Act, and all invoices of such products required pursuant to section 484 of the Tariff Act of 1930, shall set forth, in addition to the matter therein specified, the information with respect to said products required under the provisions of section 4 (b) of this Act, which information shall be in the invoices prior to their certification, if such certification is required pursuant to section 484 of the Tariff Act of 1930. The falsification of, or failure to set forth the required information in such invoices, or the falsification or perjury of the consignee's declaration provided for in section 485 of the Tariff Act of 1930, insofar as it relates to such information, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or perjures the consignee's declaration insofar as it relates to such information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any textile fiber product into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act. A verified statement from the manufacturer or producer of such products showing their fiber content as required under the provisions of this Act may be required under regulation prescribed by the Secretary of the Treasury.

GUARANTY

SEC. 10. (a) No person shall be guilty of an unlawful act under section 3 if he establishes a guaranty received in good faith, signed by and containing the name and address of the person residing in the United States by whom the textile fiber product guaranteed was manufactured or from whom it was received, that said product is not misbranded or falsely invoiced under the provisions of this Act. Said guaranty shall be (1) a separate guaranty specifically designating the textile fiber product guaranteed, in which case it may be on the invoice or other paper relating to said product; or (2) a continuing guaranty given by seller to the buyer applicable to all textile fiber products sold to or to be sold to buyer by seller in a form as the Commission, by rules and regulations, may prescribe; or (3) a continuing guaranty filed with the Commission applicable to all textile fiber products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) The furnishing of a false guaranty, except where the person furnishing such false guaranty relies on a guaranty to the same effect

received in good faith signed by and containing the name and address of the person residing in the United States by whom the product guaranteed was manufactured or from whom it was received, is unlawful, and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce, within the meaning of the Federal Trade Commission Act.

38 Stat. 717.
15 USC 58.

CRIMINAL PENALTY

SEC. 11. (a) Any person who willfully does an act which by section 3, 5, 6, 9, or 10 (b) is declared to be unlawful shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000 or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing in this section shall limit any other provision of this Act.

(b) Whenever the Commission has reason to believe that any person is guilty of a misdemeanor under this section, it may certify all pertinent facts to the Attorney General. If, on the basis of the facts certified, the Attorney General concurs in such belief, it shall be his duty to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

EXEMPTIONS

SEC. 12. (a) None of the provisions of this Act shall be construed to apply to—

- (1) upholstery stuffing, except as provided in section 4 (h);
- (2) outer coverings of furniture, mattresses, and box springs;
- (3) linings or interlinings incorporated primarily for structural purposes and not for warmth;
- (4) filling or padding incorporated primarily for structural purposes and not for warmth;
- (5) stiffenings, trimmings, facings, or interfacings;
- (6) backings of, and paddings or cushions to be used under, floor coverings;
- (7) sewing and handicraft threads;
- (8) bandages, surgical dressings, and other textile fiber products, the labeling of which is subject to the requirements of the Federal Food, Drug and Cosmetic Act of 1938, as amended;
- (9) waste materials not intended for use in a textile fiber product;
- (10) textile fiber products incorporated in shoes or overshoes or similar outer footwear;
- (11) textile fiber products incorporated in headwear, handbags, luggage, brushes, lampshades, or toys, catamenial devices, adhesive tapes and adhesive sheets, cleaning cloths impregnated with chemicals, or diapers.

52 Stat. 1040.
21 USC 301.

The exemption provided for any article by paragraph (3) or (4) of this subsection shall not be applicable if any representation as to fiber content of such article is made in any advertisement, label, or other means of identification covered by section 4 of this Act.

(b) The Commission may exclude from the provisions of this Act other textile fiber products, (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer.

SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act and the application of the remaining provisions to any person shall not be affected thereby.

72 Stat. 1723.
72 Stat. 1724.

APPLICATION OF EXISTING LAWS

SEC. 14. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

EFFECTIVE DATE

SEC. 15. This Act shall take effect eighteen months after enactment, except for the promulgation of rules and regulations by the Commission, which shall be promulgated within nine months after the enactment of this Act. The Commission shall provide for the exception of any textile fiber product acquired prior to the effective date of this Act.

Approved September 2, 1958.

